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1 A bill to be entitled
2 An act relating to child support enforcement; amending s.
3 61.13, F.S.; deleting a reference to health insurance with
4 respect to a proceeding to determine each parent's share
5 of a child's medical-support-only obligation; providing
6 the procedure for child support payments to be paid
7 through the depository; clarifying that income deduction
8 payments are required to be paid to the State Disbursement
9 Unit; amending s. 61.30, F.S.; authorizing the Department
10 of Revenue to provide documentation of the income of a
11 parent receiving public assistance to the court under
12 certain circumstances; amending s. 382.015, F.S.;
13 authorizing the Office of Vital Statistics to amend a
14 birth certificate to include the name of the legal father
15 when a final judgment of dissolution of marriage requires
16 the former husband to pay support for the child; amending
17 s. 382.016, F.S.; authorizing the Office of Vital
18 Statistics to amend a child's birth certificate to include
19 the name of the legal father upon receipt of a marriage
20 license that identifies the registrant; amending s.
21 409.2558, F.S.; creating additional priorities for
22 processing undistributable collections; authorizing the
23 Department of Revenue to retain uncashed checks or closed
24 Title IV-D case balances of child support collections
25 under \$1; amending s. 409.256, F.S.; revising the
26 definitions of the terms "custodian" and "putative
27 father"; permitting a person ordered to appear for genetic
28 testing to contest the order by filing a written request

29 | for informal discussion within a specified time period;
30 | amending s. 409.2563, F.S.; revising the definition of the
31 | term "caretaker relative"; conforming terminology;
32 | conforming a reference; amending s. 409.25635, F.S.;
33 | authorizing the Department of Revenue to collect
34 | noncovered medical expenses in installments by issuing an
35 | income deduction notice; amending s. 409.2564, F.S.;
36 | deleting the requirement for reducing the child support
37 | guideline amount for retroactive support by 25 percent;
38 | providing a process for court hearings relating to support
39 | order reviews; requiring the department, rather than the
40 | Title IV-D agency, to review and take certain actions with
41 | respect to child support orders; providing for
42 | modification of a child support order; requiring the
43 | department to file a petition to modify the order and
44 | specified financial documentation under certain
45 | circumstances; providing procedures for a party to obtain
46 | a court hearing; amending s. 409.2567, F.S.; authorizing
47 | the Department of Revenue to seek a waiver from certain
48 | application requirements from the United States Department
49 | of Health and Human Services under certain conditions;
50 | amending s. 409.259, F.S.; extending the deadline for
51 | implementing electronic filing in Title IV-D cases to
52 | coincide with completion of the department's Child Support
53 | Automated Management System II; amending s. 409.910, F.S.;
54 | authorizing the Agency for Health Care Administration to
55 | provide health insurance information to the Department of
56 | Revenue for administering the Title IV-D program;

57 requiring the agency and the department to enter into a
 58 cooperative agreement to implement the requirement;
 59 amending s. 414.095, F.S.; requiring a family to assign
 60 rights to receive certain financial support to the
 61 Department of Revenue, rather than the Department of
 62 Children and Family Services, as a condition of receiving
 63 temporary cash assistance; amending s. 741.01, F.S.;
 64 providing that an application for a marriage license must
 65 allow both parties to the marriage to state under oath and
 66 in writing if they are the parents of any child born in
 67 the state and to identify any child they have in common;
 68 requiring the name of any child recorded by both parties
 69 to be transmitted to the Department of Health; amending
 70 ss. 63.054, 63.0541, 63.062, 63.085, 63.089, 88.2011,
 71 409.2572, and 742.021, F.S.; conforming references to
 72 changes made by the act; providing effective dates.

73

74 Be It Enacted by the Legislature of the State of Florida:

75

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

78 61.13 Support of children; parenting and time-sharing;
 79 powers of court.—

80 (1)

81 (b) Each order for support shall contain a provision for
 82 health insurance for the minor child when health insurance is
 83 reasonable in cost and accessible to the child. Health insurance
 84 is presumed to be reasonable in cost if the incremental cost of

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85 adding health insurance for the child or children does not
86 exceed 5 percent of the gross income, as defined in s. 61.30, of
87 the parent responsible for providing health insurance. Health
88 insurance is accessible to the child if the health insurance is
89 available to be used in the county of the child's primary
90 residence or in another county if the parent who has the most
91 time under the time-sharing plan agrees. If the time-sharing
92 plan provides for equal time-sharing, health insurance is
93 accessible to the child if the health insurance is available to
94 be used in either county where the child resides or in another
95 county if both parents agree. The court may require the obligor
96 to provide health insurance or to reimburse the obligee for the
97 cost of health insurance for the minor child when insurance is
98 provided by the obligee. The presumption of reasonable cost may
99 be rebutted by evidence of any of the factors in s.
100 61.30(11)(a). The court may deviate from what is presumed
101 reasonable in cost only upon a written finding explaining its
102 determination why ordering or not ordering the provision of
103 health insurance or the reimbursement of the obligee's cost for
104 providing health insurance for the minor child would be unjust
105 or inappropriate. In any event, the court shall apportion the
106 cost of health insurance, and any noncovered medical, dental,
107 and prescription medication expenses of the child, to both
108 parties by adding the cost to the basic obligation determined
109 pursuant to s. 61.30(6). The court may order that payment of
110 noncovered medical, dental, and prescription medication expenses
111 of the minor child be made directly to the obligee on a
112 percentage basis. In a proceeding for medical support only, each

113 | parent's share of the child's ~~health insurance~~ and noncovered
 114 | medical expenses shall equal the parent's percentage share of
 115 | the combined net income of the parents. The percentage share
 116 | shall be calculated by dividing each parent's net monthly income
 117 | by the combined monthly net income of both parents. Net income
 118 | is calculated as specified by s. 61.30(3) and (4).

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

122 | a. The obligor fails to provide written proof to the
 123 | obligee within 30 days after receiving effective notice of the
 124 | court order that the health insurance has been obtained or that
 125 | application for health insurance has been made;

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

129 | c. The obligor fails within 15 days after the mailing of
 130 | the notice to provide written proof to the obligee that the
 131 | health insurance existed as of the date of mailing.

132 | 2.a. A support order enforced under Title IV-D of the
 133 | Social Security Act which requires that the obligor provide
 134 | health insurance is enforceable by the department through the
 135 | use of the national medical support notice, and an amendment to
 136 | the support order is not required. The department shall transfer
 137 | the national medical support notice to the obligor's union or
 138 | employer. The department shall notify the obligor in writing
 139 | that the notice has been sent to the obligor's union or
 140 | employer, and the written notification must include the

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

168 b. In a Title IV-D case, the department shall notify an

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169 obligor's union or employer if the obligation to provide health
170 insurance through that union or employer is terminated.

171 3. In a non-Title IV-D case, upon receipt of the order
172 pursuant to subparagraph 1., or upon application of the obligor
173 pursuant to the order, the union or employer shall enroll the
174 minor child as a beneficiary in the group health plan regardless
175 of any restrictions on the enrollment period and withhold any
176 required premium from the obligor's income. If more than one
177 plan is offered by the union or employer, the child shall be
178 enrolled in the group health plan in which the obligor is
179 enrolled.

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

195 b. If health insurance or the obligor's employment is
196 terminated in a Title IV-D case, the union or employer that is

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197 withholding premiums for health insurance under a national
 198 medical support notice must notify the department within 20 days
 199 after the termination and provide the obligor's last known
 200 address and the name and address of the obligor's new employer,
 201 if known.

202 5.a. The amount withheld by a union or employer in
 203 compliance with a support order may not exceed the amount
 204 allowed under s. 303(b) of the Consumer Credit Protection Act,
 205 15 U.S.C. s. 1673(b), as amended. The union or employer shall
 206 withhold the maximum allowed by the Consumer Credit Protection
 207 Act in the following order:

- 208 (I) Current support, as ordered.
- 209 (II) Premium payments for health insurance, as ordered.
- 210 (III) Past due support, as ordered.
- 211 (IV) Other medical support or insurance, as ordered.

212 b. If the combined amount to be withheld for current
 213 support plus the premium payment for health insurance exceed the
 214 amount allowed under the Consumer Credit Protection Act, and the
 215 health insurance cannot be obtained unless the full amount of
 216 the premium is paid, the union or employer may not withhold the
 217 premium payment. However, the union or employer shall withhold
 218 the maximum allowed in the following order:

- 219 (I) Current support, as ordered.
- 220 (II) Past due support, as ordered.
- 221 (III) Other medical support or insurance, as ordered.

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

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

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

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

234 2. If both parties request and the court finds that it is
 235 in the best interest of the child, support payments need not be
 236 subject to immediate income deduction. Support orders that are
 237 not subject to immediate income deduction may be directed
 238 through the depository under s. 61.181 or made payable directly
 239 to the obligee. Payments for all support orders that provide for
 240 immediate income deduction shall be made to the State
 241 Disbursement Unit. The court shall provide a copy of the order
 242 to the depository.

243 3. For support orders payable directly to the obligee ~~that~~
 244 ~~do not provide for immediate income deduction~~, any party, or the
 245 department ~~IV-D agency~~ in a IV-D case, may subsequently file an
 246 affidavit with the depository ~~State Disbursement Unit~~ alleging a
 247 default in payment of child support and stating that the party
 248 wishes to require that payments be made through the depository
 249 ~~State Disbursement Unit~~. The party shall provide copies of the
 250 affidavit to the court and to each other party. Fifteen days
 251 after receipt of the affidavit, the depository ~~State~~
 252 ~~Disbursement Unit~~ shall notify all parties that future payments

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253 shall be paid through the depository, except that income
 254 deduction payments shall be made to the State Disbursement Unit.

255 Section 2. Subsection (15) of section 61.30, Florida
 256 Statutes, is amended to read:

257 61.30 Child support guidelines; retroactive child
 258 support.—

259 (15) For purposes of establishing an obligation for
 260 support in accordance with this section, if a person who is
 261 receiving public assistance is found to be noncooperative as
 262 defined in s. 409.2572, the department ~~IV-D~~ agency is authorized
 263 to submit to the court an affidavit or written declaration
 264 signed under penalty of perjury pursuant to s. 92.525(2)
 265 attesting to the income of that parent based upon information
 266 available to the department ~~IV-D~~ agency.

267 Section 3. Subsection (2) of section 382.015, Florida
 268 Statutes, is amended to read:

269 382.015 New certificates of live birth; duty of clerks of
 270 court and department.—The clerk of the court in which any
 271 proceeding for adoption, annulment of an adoption, affirmation
 272 of parental status, or determination of paternity is to be
 273 registered, shall within 30 days after the final disposition,
 274 forward to the department a certified copy of the court order,
 275 or a report of the proceedings upon a form to be furnished by
 276 the department, together with sufficient information to identify
 277 the original birth certificate and to enable the preparation of
 278 a new birth certificate. The clerk of the court shall implement
 279 a monitoring and quality control plan to ensure that all
 280 judicial determinations of paternity are reported to the

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281 department in compliance with this section. The department shall
282 track paternity determinations reported monthly by county,
283 monitor compliance with the 30-day timeframe, and report the
284 data to the clerks of the court quarterly.

285 (2) DETERMINATION OF PATERNITY.—Upon receipt of the
286 report, ~~or~~ a certified copy of a final decree of determination
287 of paternity, or a certified copy of a final judgment of
288 dissolution of marriage that requires the former husband to pay
289 support for the child, together with sufficient information to
290 identify the original certificate of live birth, the department
291 shall prepare and file a new birth certificate which shall bear
292 the same file number as the original birth certificate. The
293 registrant's name shall be entered as decreed by the court or as
294 reflected in the final judgment. The names and identifying
295 information of the parents shall be entered as of the date of
296 the registrant's birth.

297 Section 4. Paragraph (b) of subsection (1) of section
298 382.016, Florida Statutes, is amended to read:

299 382.016 Amendment of records.—The department, upon receipt
300 of the fee prescribed in s. 382.0255; documentary evidence, as
301 specified by rule, of any misstatement, error, or omission
302 occurring in any birth, death, or fetal death record; and an
303 affidavit setting forth the changes to be made, shall amend or
304 replace the original certificate as necessary.

305 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

306 (b) Upon written request and receipt of an affidavit, a
307 notarized voluntary acknowledgment of paternity signed by the
308 mother and father acknowledging the paternity of a registrant

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309 | born out of wedlock, or a voluntary acknowledgment of paternity
310 | that is witnessed by two individuals and signed under penalty of
311 | perjury as specified by s. 92.525(2), together with sufficient
312 | information to identify the original certificate of live birth,
313 | the department shall prepare a new birth certificate, which
314 | shall bear the same file number as the original birth
315 | certificate. The names and identifying information of the
316 | parents shall be entered as of the date of the registrant's
317 | birth. The surname of the registrant may be changed from that
318 | shown on the original birth certificate at the request of the
319 | mother and father of the registrant, or the registrant if of
320 | legal age. If the mother and father marry each other at any time
321 | after the registrant's birth, the department shall, upon receipt
322 | of a marriage license that identifies the registrant, or upon
323 | the request of the mother and father or the registrant if the
324 | registrant is of legal age, and upon proof of the marriage,
325 | amend the certificate with regard to the parents' marital status
326 | as though the parents were married at the time of birth. The
327 | department shall substitute the new certificate of birth for the
328 | original certificate on file. All copies of the original
329 | certificate of live birth in the custody of a local registrar or
330 | other state custodian of vital records shall be forwarded to the
331 | State Registrar. Thereafter, when a certified copy of the
332 | certificate of birth or portion thereof is issued, it shall be a
333 | copy of the new certificate of birth or portion thereof, except
334 | when a court order requires issuance of a certified copy of the
335 | original certificate of birth. Except for a birth certificate on
336 | which a father is listed pursuant to an affidavit, a notarized

337 voluntary acknowledgment of paternity signed by the mother and
 338 father acknowledging the paternity of a registrant born out of
 339 wedlock, or a voluntary acknowledgment of paternity that is
 340 witnessed by two individuals and signed under penalty of perjury
 341 as specified by s. 92.525(2), the department shall place the
 342 original certificate of birth and all papers pertaining thereto
 343 under seal, not to be broken except by order of a court of
 344 competent jurisdiction or as otherwise provided by law.

345 Section 5. Paragraph (b) of subsection (3) of section
 346 409.2558, Florida Statutes, is amended to read:

347 409.2558 Support distribution and disbursement.—

348 (3) UNDISTRIBUTABLE COLLECTIONS.—

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

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

354 2. Apply the payment to any financial liability incurred
 355 by the obligor as a result of an overpayment to the obligor that
 356 the obligor has failed to return to the department after notice;
 357 then

358 3. Apply the payment to any financial liability incurred
 359 by the obligee as a result of an overpayment to the obligee that
 360 the obligee has failed to return to the department after notice;
 361 then

362 ~~4.1.~~ Apply the payment to any assigned arrears on the
 363 obligee's case; then

364 ~~5.2.~~ Apply the payment to any administrative costs ordered

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365 by the court pursuant to s. 409.2567 associated with the
 366 obligee's case; then

367 ~~6.3.~~ When the obligor is subject to a valid order to
 368 support another child in a case with a different obligee and the
 369 obligation is being enforced by the department, the department
 370 shall send by certified mail, restricted delivery, return
 371 receipt requested, to the obligor at the most recent address
 372 provided by the obligor to the tribunal that issued the order, a
 373 notice stating the department's intention to apply the payment
 374 pursuant to this subparagraph, and advising the obligor of the
 375 right to contest the department's proposed action in the circuit
 376 court by filing and serving a petition on the department within
 377 30 days after the mailing of the notice. If the obligor does not
 378 file and serve a petition within the 30 days after mailing of
 379 the notice, or upon a disposition of the judicial action
 380 favorable to the department, the department shall apply the
 381 payment toward his or her other support obligation. If there is
 382 more than one such other case, the department shall allocate the
 383 remaining undistributable amount as specified by s.

384 61.1301(4)(c); then

385 ~~7.4.~~ Return the payment to the obligor; then

386 ~~8.5.~~ If the obligor cannot be located after diligent
 387 efforts by the department, the federal share of the payment
 388 shall be credited to the Federal Government and the state share
 389 shall be transferred to the General Revenue Fund.

390 Section 6. Effective July 1, 2010, paragraph (d) is added
 391 to subsection (3) of section 409.2558, Florida Statutes, to
 392 read:

393 409.2558 Support distribution and disbursement.—

394 (3) UNDISTRIBUTABLE COLLECTIONS.—

395 (d) If a payment of less than \$1 is made by a paper check
 396 on an open Title IV-D case and the payment is not cashed after
 397 180 days, or less than \$1 is owed on a closed Title IV-D case,
 398 the department shall declare the payment as program income,
 399 crediting the federal share of the payment to the Federal
 400 Government and the state share of the payment to the General
 401 Revenue Fund, without attempting to locate either party.

402 Section 7. Section 409.256, Florida Statutes, is amended
 403 to read:

404 409.256 Administrative proceeding to establish paternity
 405 or paternity and child support; order to appear for genetic
 406 testing.—

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

408 (a)-(g) "Alleged ~~Putative~~ father" means an individual who
 409 is or may be the biological father of a child whose paternity
 410 has not been established and whose mother was unmarried when the
 411 child was conceived and born.

412 (b)-(a) "Another state" or "other state" means a state of
 413 the United States, the District of Columbia, Puerto Rico, the
 414 United States Virgin Islands, or any territory or insular
 415 possession subject to the jurisdiction of the United States. The
 416 term includes:

- 417 1. An Indian tribe.
- 418 2. A foreign jurisdiction that has enacted a law or
- 419 established procedures for issuance and enforcement of support
- 420 orders which are substantially similar to the procedures under

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421 | this act, the Uniform Reciprocal Enforcement of Support Act, or
422 | the Revised Uniform Reciprocal Enforcement of Support Act, as
423 | determined by the Attorney General.

424 | (c) ~~(b)~~ "Caregiver Custodian" means a person, other than
425 | the mother, father, or an alleged ~~a putative~~ father, who has
426 | physical custody of a child or with whom the child primarily
427 | resides. References in this section to the obligation of a
428 | caregiver eustodian to submit to genetic testing mean that the
429 | caregiver eustodian is obligated to submit the child for genetic
430 | testing, not that the caregiver eustodian must submit to genetic
431 | testing.

432 | (d) ~~(c)~~ "Filed" means a document has been received and
433 | accepted for filing at the offices of the department ~~of Revenue~~
434 | by the clerk or an authorized deputy clerk designated by the
435 | department.

436 | (e) ~~(d)~~ "Genetic testing" means a scientific analysis of
437 | genetic markers that is performed by a qualified technical
438 | laboratory only to exclude an individual as the parent of a
439 | child or to show a probability of paternity.

440 | (f) ~~(e)~~ "Paternity and child support proceeding" means an
441 | administrative action commenced by the department ~~of Revenue~~ to
442 | order genetic testing, establish paternity, and establish an
443 | administrative support order pursuant to this section.

444 | (g) ~~(f)~~ "Paternity proceeding" means an administrative
445 | action commenced by the department ~~of Revenue~~ to order genetic
446 | testing and establish paternity pursuant to this section.

447 | (h) "Qualified technical laboratory" means a genetic-
448 | testing laboratory that may be under contract with the

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449 department ~~of Revenue~~, that uses tests and methods of a type
450 generally acknowledged as reliable by accreditation
451 organizations recognized by the United States Department of
452 Health and Human Services, and that is approved by such an
453 accreditation organization. The term includes a genetic-testing
454 laboratory used by another state, if the laboratory has
455 comparable qualifications.

456 (i) "Rendered" means that a signed written order is filed
457 with the clerk or a deputy clerk of the department ~~of Revenue~~
458 and served on the respondent. The date of filing must be
459 indicated on the face of the order at the time of rendition.

460 (j) "Respondent" means the person or persons served by the
461 department ~~of Revenue~~ with a notice of proceeding pursuant to
462 subsection (4). The term includes the alleged ~~putative~~ father
463 and may include the mother or the caregiver ~~custodian~~ of the
464 child.

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

467 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO
468 THE COURTS.—

469 (a) The department ~~of Revenue~~ may commence a paternity
470 proceeding or a paternity and child support proceeding as
471 provided in subsection (4) if:

- 472 1. The child's paternity has not been established.
- 473 2. No one is named as the father on the child's birth
474 certificate or the person named as the father is the alleged
475 ~~putative~~ father named in an affidavit or a written declaration
476 as provided in subparagraph 5.

477 3. The child's mother was unmarried when the child was
478 conceived and born.

479 4. The department ~~of Revenue~~ is providing services under
480 Title IV-D.

481 5. The child's mother or an alleged ~~a putative~~ father has
482 stated in an affidavit, or in a written declaration as provided
483 in s. 92.525(2) that the alleged ~~putative~~ father is or may be
484 the child's biological father. The affidavit or written
485 declaration must set forth the factual basis for the allegation
486 of paternity as provided in s. 742.12(2).

487 (b) If the department ~~of Revenue~~ receives a request from
488 another state to assist in the establishment of paternity, the
489 department may serve an order to appear for genetic testing on a
490 person who resides in this state and transmit the test results
491 to the other state without commencing a paternity proceeding in
492 this state.

493 (c) The department ~~of Revenue~~ may use the procedures
494 authorized by this section against a nonresident over whom this
495 state may assert personal jurisdiction under chapter 48 or
496 chapter 88.

497 (d) If an alleged ~~a putative~~ father, mother, or caregiver
498 ~~custodian~~ in a Title IV-D case voluntarily submits to genetic
499 testing, the department ~~of Revenue~~ may schedule that individual
500 or the child for genetic testing without serving that individual
501 with an order to appear for genetic testing. A respondent or
502 other person who is subject to an order to appear for genetic
503 testing may waive, in writing or on the record at an
504 administrative hearing, formal service of notices or orders or

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505 waive any other rights or time periods prescribed by this
 506 section.

507 (e) Whenever practicable, hearings held by the Division of
 508 Administrative Hearings pursuant to this section shall be held
 509 in the judicial circuit where the person receiving services
 510 under Title IV-D resides or, if the person receiving services
 511 under Title IV-D does not reside in this state, in the judicial
 512 circuit where the respondent resides. If the department ~~of~~
 513 ~~Revenue~~ and the respondent agree, the hearing may be held in
 514 another location. If ordered by the administrative law judge,
 515 the hearing may be conducted telephonically or by
 516 videoconference.

517 (f) The Legislature does not intend to limit the
 518 jurisdiction of the circuit courts to hear and determine issues
 519 regarding establishment of paternity. This section is intended
 520 to provide the department ~~of Revenue~~ with an alternative
 521 procedure for establishing paternity and child support
 522 obligations in Title IV-D cases. This section does not prohibit
 523 a person who has standing from filing a civil action in circuit
 524 court for a determination of paternity or of child support
 525 obligations.

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

528 (3) MULTIPLE ALLEGED ~~PUTATIVE~~ FATHERS; MULTIPLE CHILDREN.—
 529 If more than one alleged ~~putative~~ father has been named, the
 530 department ~~of Revenue~~ may proceed under this section against a
 531 single alleged ~~putative~~ father or may proceed simultaneously
 532 against more than one alleged ~~putative~~ father. If an alleged a

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533 ~~putative~~ father has been named as a possible father of more than
534 one child born to the same mother, the department may proceed to
535 establish the paternity of each child in the same proceeding.

536 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
537 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
538 TESTING; MANNER OF SERVICE; CONTENTS.—The department ~~of Revenue~~
539 shall commence a proceeding to determine paternity, or a
540 proceeding to determine both paternity and child support, by
541 serving the respondent with a notice as provided in this
542 section. An order to appear for genetic testing may be served at
543 the same time as a notice of the proceeding or may be served
544 separately. A copy of the affidavit or written declaration upon
545 which the proceeding is based shall be provided to the
546 respondent when notice is served. A notice or order to appear
547 for genetic testing shall be served by certified mail,
548 restricted delivery, return receipt requested, or in accordance
549 with the requirements for service of process in a civil action.
550 Service by certified mail is completed when the certified mail
551 is received or refused by the addressee or by an authorized
552 agent as designated by the addressee in writing. If a person
553 other than the addressee signs the return receipt, the
554 department shall attempt to reach the addressee by telephone to
555 confirm whether the notice was received, and the department
556 shall document any telephonic communications. If someone other
557 than the addressee signs the return receipt, the addressee does
558 not respond to the notice, and the department is unable to
559 confirm that the addressee has received the notice, service is
560 not completed and the department shall attempt to have the

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561 addressee served personally. For purposes of this section, an
562 employee or an authorized agent of the department may serve the
563 notice or order to appear for genetic testing and execute an
564 affidavit of service. The department may serve an order to
565 appear for genetic testing on a caregiver ~~eustodian~~. The
566 department shall provide a copy of the notice or order to appear
567 by regular mail to the mother and caregiver ~~eustodian~~, if they
568 are not respondents.

569 (a) A notice of proceeding to establish paternity must
570 state:

571 1. That the department has commenced an administrative
572 proceeding to establish whether the alleged ~~putative~~ father is
573 the biological father of the child named in the notice.

574 2. The name and date of birth of the child and the name of
575 the child's mother.

576 3. That the alleged ~~putative~~ father has been named in an
577 affidavit or written declaration that states the alleged
578 ~~putative~~ father is or may be the child's biological father.

579 4. That the respondent is required to submit to genetic
580 testing.

581 5. That genetic testing will establish either a high
582 degree of probability that the alleged ~~putative~~ father is the
583 biological father of the child or that the alleged ~~putative~~
584 father cannot be the biological father of the child.

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

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

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

594 b. Commence a proceeding, as provided in s. 409.2563, to
595 establish an administrative support order for the child. Notice
596 of the proceeding shall be provided to the respondent by regular
597 mail.

598 8. That, if the genetic test results indicate a
599 statistical probability of paternity that equals or exceeds 99
600 percent and a proceeding to establish an administrative support
601 order is commenced, the department shall issue a proposed order
602 that addresses paternity and child support. The respondent may
603 consent to or contest the proposed order at an administrative
604 hearing.

605 9. That if a proposed order of paternity or proposed order
606 of both paternity and child support is not contested, the
607 department shall adopt the proposed order and render a final
608 order that establishes paternity and, if appropriate, an
609 administrative support order for the child.

610 10. That, until the proceeding is ended, the respondent
611 shall notify the department in writing of any change in the
612 respondent's mailing address and that the respondent shall be
613 deemed to have received any subsequent order, notice, or other
614 paper mailed to the most recent address provided or, if a more
615 recent address is not provided, to the address at which the
616 respondent was served, and that this requirement continues if

617 the department renders a final order that establishes paternity
 618 and a support order for the child.

619 11. That the respondent may file an action in circuit
 620 court for a determination of paternity, child support
 621 obligations, or both.

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

627 13. That, if paternity is established, the alleged
 628 ~~putative~~ father may file a petition in circuit court for a
 629 determination of matters relating to custody and rights of
 630 parental contact.

631
 632 A notice under this paragraph must also notify the respondent of
 633 the provisions in s. 409.2563(4) (m) and (o).

634 (b) A notice of proceeding to establish paternity and
 635 child support must state the requirements of paragraph (a),
 636 except for subparagraph (a)7., and must state the requirements
 637 of s. 409.2563(4), to the extent that the requirements of s.
 638 409.2563(4) are not already required by and do not conflict with
 639 this subsection. This section and s. 409.2563 apply to a
 640 proceeding commenced under this subsection.

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

643 1. That the department has commenced an administrative
 644 proceeding to establish whether the alleged ~~putative~~ father is

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645 the biological father of the child.

646 2. The name and date of birth of the child and the name of
647 the child's mother.

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

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

653 5. That if the person has custody of the child whose
654 paternity is the subject of the proceeding, the person must
655 submit the child for genetic testing.

656 6. That when the samples are provided, the person ordered
657 to appear shall verify his or her identity and the identity of
658 the child, if applicable, by presenting a form of identification
659 as prescribed by s. 117.05(5)(b)2. that bears the photograph of
660 the person who is providing the sample or other form of
661 verification approved by the department.

662 7. That if the person ordered to appear submits to genetic
663 testing, the department shall pay the cost of the genetic
664 testing and shall provide the person ordered to appear with a
665 copy of any test results obtained.

666 8. That if the person ordered to appear does not appear as
667 ordered or refuses to submit to genetic testing without good
668 cause, the department may take one or more of the following
669 actions:

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

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

675 c. File a petition in circuit court to establish paternity
676 and obtain a support order for the child and an order for costs
677 against the person ordered to appear, including costs for
678 genetic testing.

679 9. That the person ordered to appear may contest the order
680 by filing a written request for informal discussion ~~review~~
681 within 15 days after the date of service of the order, with
682 further rights to an administrative hearing following the
683 informal discussion ~~review~~.

684 (d) If the alleged ~~putative~~ father is incarcerated, the
685 correctional facility shall assist the alleged ~~putative~~ father
686 in complying with an administrative order to appear for genetic
687 testing issued under this section.

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

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

691 (a) The person ordered to appear may contest an order to
692 appear for genetic testing by filing a written request for
693 informal discussion ~~review~~ with the department ~~of Revenue~~ within
694 15 days after the date of service of the order. The purpose of
695 the informal discussion ~~review~~ is to provide the person ordered
696 to appear with an opportunity to discuss the proceedings and the
697 basis of the order. At the conclusion of the informal discussion
698 ~~review~~, the department shall notify the person ordered to
699 appear, in writing, whether it intends to proceed with the order
700 to appear. If the department notifies the person ordered to

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701 appear of its intent to proceed, the notice must inform the
702 person ordered to appear of the right to contest the order at an
703 administrative hearing.

704 (b) Following an informal discussion ~~review~~, within 15
705 days after the mailing date of the department's ~~Department of~~
706 ~~Revenue's~~ notification that the department shall proceed with an
707 order to appear for genetic testing, the person ordered to
708 appear may file a request for an administrative hearing to
709 contest whether the person should be required to submit to
710 genetic testing. A request for an administrative hearing must
711 state the specific reasons why the person ordered to appear
712 believes he or she should not be required to submit to genetic
713 testing as ordered. If the person ordered to appear files a
714 timely request for a hearing, the department shall refer the
715 hearing request to the Division of Administrative Hearings.
716 Unless otherwise provided in this section, administrative
717 hearings are governed by chapter 120 and the uniform rules of
718 procedure. The administrative law judge assigned to the case
719 shall issue an order as to whether the person must submit to
720 genetic testing in accordance with the order to appear. The
721 department or the person ordered to appear may seek immediate
722 judicial review under s. 120.68 of an order issued by an
723 administrative law judge pursuant to this paragraph.

724 (c) If a timely request for an informal discussion ~~review~~
725 or an administrative hearing is filed, the department may not
726 proceed under the order to appear for genetic testing and may
727 not impose sanctions for failure or refusal to submit to genetic
728 testing until:

729 1. The department has notified the person of its intent to
 730 proceed after informal discussion ~~review~~, and a timely request
 731 for hearing is not filed;

732 2. The person ordered to appear withdraws the request for
 733 hearing or informal discussion ~~review~~; or

734 3. The Division of Administrative Hearings issues an order
 735 that the person must submit to genetic testing, or issues an
 736 order closing the division's file, and that an order has become
 737 final.

738 (d) If a request for an informal discussion ~~review~~ or
 739 administrative hearing is not timely filed, the person ordered
 740 to appear is deemed to have waived the right to a hearing, and
 741 the department may proceed under the order to appear for genetic
 742 testing.

743 (6) SCHEDULING OF GENETIC TESTING.—

744 (a) The department ~~of Revenue~~ shall notify, in writing,
 745 the person ordered to appear of the date, time, and location of
 746 the appointment for genetic testing and of the requirement to
 747 verify his or her identity and the identity of the child, if
 748 applicable, when the samples are provided by presenting a form
 749 of identification as prescribed in s. 117.05(5)(b)2. that bears
 750 the photograph of the person who is providing the sample or
 751 other form of verification approved by the department. If the
 752 person ordered to appear is the alleged ~~putative~~ father or the
 753 mother, that person shall appear and submit to genetic testing.
 754 If the person ordered to appear is a caregiver ~~custodian~~, or if
 755 the alleged ~~putative~~ father or the mother has custody of the
 756 child, that person must submit the child for genetic testing.

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757 (b) The department shall reschedule genetic testing:

758 1. One time without cause if, in advance of the initial
759 test date, the person ordered to appear requests the department
760 to reschedule the test.

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

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

766

767 A claim of good cause for failure to appear shall be filed with
768 the department within 10 days after the scheduled test date and
769 must state the facts and circumstances supporting the claim. The
770 department shall notify the person ordered to appear, in
771 writing, whether it accepts or rejects the person's claim of
772 good cause. There is not a separate right to a hearing on the
773 department's decision to accept or reject the claim of good
774 cause because the person ordered to appear may raise good cause
775 as a defense to any proceeding initiated by the department under
776 subsection (7).

777 (c) A person ordered to appear may obtain a second genetic
778 test by filing a written request for a second test with the
779 department within 15 days after the date of mailing of the
780 initial genetic testing results and by paying the department in
781 advance for the full cost of the second test.

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

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

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

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

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

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

802
 803 As provided in s. 322.058(2), a suspended driver's license and
 804 motor vehicle registration may be reinstated when the person
 805 ordered to appear complies with the order to appear for genetic
 806 testing. The department may collect an administrative fine
 807 imposed under this subsection by using civil remedies or other
 808 statutory means available to the department for collecting
 809 support.

810 (8) GENETIC-TESTING RESULTS.—The department shall send a
 811 copy of the genetic-testing results to the alleged ~~putative~~
 812 father, to the mother, to the caregiver ~~eustodian~~, and to the

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813 other state, if applicable. If the genetic-testing results,
 814 including second or subsequent genetic-testing results, do not
 815 indicate a statistical probability of paternity that equals or
 816 exceeds 99 percent, the paternity proceeding in connection with
 817 that child shall cease.

818 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF
 819 PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED
 820 ORDER OF PATERNITY AND CHILD SUPPORT.—

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

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

827 2. If appropriate, delay issuing a proposed order of
 828 paternity and commence, by regular mail, an administrative
 829 proceeding to establish a support order for the child pursuant
 830 to s. 409.2563 and issue a single proposed order that addresses
 831 paternity and child support.

832 (b) A proposed order of paternity must:

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

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

835 3. Include notice of the respondent's right to informal
 836 discussion ~~review~~ and to contest the proposed order of paternity
 837 at an administrative hearing.

838 (c) If a paternity and child support proceeding has been
 839 commenced under this section and the results of genetic testing
 840 indicate a statistical probability of paternity that equals or

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841 exceeds 99 percent, the department ~~of Revenue~~ may issue a single
842 proposed order that addresses paternity as provided in this
843 section and child support as provided in s. 409.2563.

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

848 (10) INFORMAL DISCUSSION REVIEW; ADMINISTRATIVE HEARING;
849 PRESUMPTION OF PATERNITY.—

850 (a) Within 10 days after the date of mailing or other
851 service of a proposed order of paternity, the respondent may
852 contact a representative of the department ~~of Revenue~~ at the
853 address or telephone number provided to request an informal
854 discussion review of the proposed order. If an informal
855 discussion review is timely requested, the time for requesting a
856 hearing is extended until 10 days after the department mails
857 notice to the respondent that the informal discussion review has
858 been concluded.

859 (b) Within 20 days after the mailing date of the proposed
860 order or within 10 days after the mailing date of notice that an
861 informal discussion review has been concluded, whichever is
862 later, the respondent may request an administrative hearing by
863 filing a written request for a hearing with the department ~~of~~
864 ~~Revenue~~. A request for a hearing must state the specific
865 objections to the proposed order, the specific objections to the
866 genetic testing results, or both. A respondent who fails to file
867 a timely request for a hearing is deemed to have waived the
868 right to a hearing.

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869 (c) If the respondent files a timely request for a
870 hearing, the department ~~of Revenue~~ shall refer the hearing
871 request to the Division of Administrative Hearings. Unless
872 otherwise provided in this section or in s. 409.2563, chapter
873 120 and the uniform rules of procedure govern the conduct of the
874 proceedings.

875 (d) The genetic-testing results shall be admitted into
876 evidence and made a part of the hearing record. For purposes of
877 this section, a statistical probability of paternity that equals
878 or exceeds 99 percent creates a presumption, as defined in s.
879 90.304, that the alleged ~~putative~~ father is the biological
880 father of the child. The presumption may be overcome only by
881 clear and convincing evidence. The respondent or the department
882 ~~of Revenue~~ may call an expert witness to refute or support the
883 testing procedure or results or the mathematical theory on which
884 they are based. Verified documentation of the chain of custody
885 of the samples tested is competent evidence to establish the
886 chain of custody.

887 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
888 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
889 STATISTICS.—

890 (a) If a hearing is held, the administrative law judge of
891 the Division of Administrative Hearings shall issue a final
892 order that adjudicates paternity or, if appropriate, paternity
893 and child support. A final order of the administrative law judge
894 constitutes final agency action by the department ~~of Revenue~~.
895 The Division of Administrative Hearings shall transmit any such
896 order to the department for filing and rendering.

897 (b) If the respondent does not file a timely request for a
 898 hearing or consents in writing to entry of a final order without
 899 a hearing, the department ~~of Revenue~~ may render a final order of
 900 paternity or a final order of paternity and child support, as
 901 appropriate.

902 (c) The department ~~of Revenue~~ shall mail a copy of the
 903 final order to the alleged ~~putative~~ father, the mother, and the
 904 caregiver ~~custodian~~, if any. The department shall notify the
 905 respondent of the right to seek judicial review of a final order
 906 in accordance with s. 120.68.

907 (d) Upon rendering a final order of paternity or a final
 908 order of paternity and child support, the department ~~of Revenue~~
 909 shall notify the Division of Vital Statistics of the Department
 910 of Health that the paternity of the child has been established.

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

914 (f) The provisions of s. 409.2563 that apply to a final
 915 administrative support order rendered under that section apply
 916 to a final order rendered under this section when a child
 917 support obligation is established.

918 (12) RIGHT TO JUDICIAL REVIEW.—A respondent has the right
 919 to seek judicial review, in accordance with s. 120.68, of a
 920 final order rendered under subsection (11) and an order issued
 921 under paragraph (5)(b). The department ~~of Revenue~~ has the right
 922 to seek judicial review, in accordance with s. 120.68, of a
 923 final order issued by an administrative law judge under
 924 subsection (11) and an order issued by an administrative law

925 judge under paragraph (5) (b) .

926 (13) DUTY TO PROVIDE AND MAINTAIN CURRENT MAILING
 927 ADDRESS.—Until a proceeding that has been commenced under this
 928 section has ended, a respondent who is served with a notice of
 929 proceeding must inform the department ~~of Revenue~~ in writing of
 930 any change in the respondent's mailing address and is deemed to
 931 have received any subsequent order, notice, or other paper
 932 mailed to that address, or the address at which the respondent
 933 was served, if the respondent has not provided a more recent
 934 address.

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

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

943 (16) REMEDIES SUPPLEMENTAL.—The remedies provided in this
 944 section are supplemental and in addition to other remedies
 945 available to the department for the establishment of paternity
 946 and child support obligations.

947 (17) RULEMAKING AUTHORITY.—The department may adopt rules
 948 to implement this section.

949 Section 8. Paragraph (b) of subsection (1), paragraph (d)
 950 of subsection (2), subsection (4), paragraphs (a) and (b) of
 951 subsection (5), paragraphs (d) and (e) of subsection (7), and

952 subsection (13) of section 409.2563, Florida Statutes, are
 953 amended to read:

954 409.2563 Administrative establishment of child support
 955 obligations.—

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

957 (b) "Caregiver ~~Caretaker~~ relative" means a person other
 958 than the mother, father, or alleged father who has physical
 959 custody of a child or with whom the child primarily resides ~~has~~
 960 ~~the same meaning ascribed in s. 414.0252(11).~~

961
 962 Other terms used in this section have the meanings ascribed in
 963 ss. 61.046 and 409.2554.

964 (2) PURPOSE AND SCOPE.—

965 (d) Either parent, or a caregiver ~~caretaker~~ relative if
 966 applicable, may at any time file a civil action in a circuit
 967 court having jurisdiction and proper venue to determine parental
 968 support obligations, if any. A support order issued by a circuit
 969 court prospectively supersedes an administrative support order
 970 rendered by the department.

971 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
 972 SUPPORT ORDER.—To commence a proceeding under this section, the
 973 department shall provide to the parent from whom support is not
 974 being sought and serve the parent from whom support is being
 975 sought with a notice of proceeding to establish administrative
 976 support order and a blank financial affidavit form. The notice
 977 must state:

978 (a) The names of both parents, the name of the caregiver
 979 ~~caretaker~~ relative, if any, and the name and date of birth of

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980 the child or children;

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

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

986 (d) That both parents, or a parent and the caregiver
987 ~~caretaker relative~~ if applicable, are required to furnish to the
988 department information regarding their identities and locations,
989 as provided by paragraph (13) (b);

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

995 (f) That the department will calculate support obligations
996 based on the child support guidelines schedule in s. 61.30 and
997 using all available information, as provided by paragraph
998 (5) (a), and will incorporate such obligations into a proposed
999 administrative support order;

1000 (g) That the department will send by regular mail to both
1001 parents, or to a parent and the caregiver ~~caretaker relative~~ if
1002 applicable, a copy of the proposed administrative support order,
1003 the department's child support worksheet, and any financial
1004 affidavits submitted by a parent or prepared by the department;

1005 (h) That the parent from whom support is being sought may
1006 file a request for a hearing in writing within 20 days after the
1007 date of mailing or other service of the proposed administrative

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1008 support order or will be deemed to have waived the right to
 1009 request a hearing;

1010 (i) That if the parent from whom support is being sought
 1011 does not file a timely request for hearing after service of the
 1012 proposed administrative support order, the department will issue
 1013 an administrative support order that incorporates the findings
 1014 of the proposed administrative support order, and will send by
 1015 regular mail a copy of the administrative support order to both
 1016 parents, or a parent and the caregiver ~~caretaker~~ ~~relative~~ if
 1017 applicable;

1018 (j) That after an administrative support order is
 1019 rendered, the department will file a copy of the order with the
 1020 clerk of the circuit court;

1021 (k) That after an administrative support order is
 1022 rendered, the department may enforce the administrative support
 1023 order by any lawful means;

1024 (l) That either parent, or the caregiver ~~caretaker~~
 1025 ~~relative~~ if applicable, may file at any time a civil action in a
 1026 circuit court having jurisdiction and proper venue to determine
 1027 parental support obligations, if any, and that a support order
 1028 issued by a circuit court supersedes an administrative support
 1029 order rendered by the department;

1030 (m) That, neither the department nor the Division of
 1031 Administrative Hearings has jurisdiction to award or change
 1032 child custody or rights of parental contact or time-sharing and
 1033 these issues may only be addressed in circuit court.

1034 1. The parent from whom support is being sought may
 1035 request in writing that the department proceed in circuit court

1036 to determine his or her support obligations.

1037 2. The parent from whom support is being sought may state
 1038 in writing to the department his or her intention to address
 1039 issues concerning custody or rights to parental contact in
 1040 circuit court.

1041 3. If the parent from whom support is being sought submits
 1042 the request authorized in subparagraph 1., or the statement
 1043 authorized in subparagraph 2. to the department within 20 days
 1044 after the receipt of the initial notice, the department shall
 1045 file a petition in circuit court for the determination of the
 1046 parent's child support obligations, and shall send to the parent
 1047 from whom support is being sought a copy of its petition, a
 1048 notice of commencement of action, and a request for waiver of
 1049 service of process as provided in the Florida Rules of Civil
 1050 Procedure.

1051 4. If, within 10 days after receipt of the department's
 1052 petition and waiver of service, the parent from whom support is
 1053 being sought signs and returns the waiver of service form to the
 1054 department, the department shall terminate the administrative
 1055 proceeding without prejudice and proceed in circuit court.

1056 5. In any circuit court action filed by the department
 1057 pursuant to this paragraph or filed by a parent from whom
 1058 support is being sought or other person pursuant to paragraph
 1059 (l) or paragraph (n), the department shall be a party only with
 1060 respect to those issues of support allowed and reimbursable
 1061 under Title IV-D of the Social Security Act. It is the
 1062 responsibility of the parent from whom support is being sought
 1063 or other person to take the necessary steps to present other

1064 issues for the court to consider.

1065 (n) That if the parent from whom support is being sought
 1066 files an action in circuit court and serves the department with
 1067 a copy of the petition within 20 days after being served notice
 1068 under this subsection, the administrative process ends without
 1069 prejudice and the action must proceed in circuit court;

1070 (o) Information provided by the Office of State Courts
 1071 Administrator concerning the availability and location of self-
 1072 help programs for those who wish to file an action in circuit
 1073 court but who cannot afford an attorney.

1074
 1075 The department may serve the notice of proceeding to establish
 1076 administrative support order by certified mail, restricted
 1077 delivery, return receipt requested. Alternatively, the
 1078 department may serve the notice by any means permitted for
 1079 service of process in a civil action. For purposes of this
 1080 section, an authorized employee of the department may serve the
 1081 notice and execute an affidavit of service. Service by certified
 1082 mail is completed when the certified mail is received or refused
 1083 by the addressee or by an authorized agent as designated by the
 1084 addressee in writing. If a person other than the addressee signs
 1085 the return receipt, the department shall attempt to reach the
 1086 addressee by telephone to confirm whether the notice was
 1087 received, and the department shall document any telephonic
 1088 communications. If someone other than the addressee signs the
 1089 return receipt, the addressee does not respond to the notice,
 1090 and the department is unable to confirm that the addressee has
 1091 received the notice, service is not completed and the department

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1092 shall attempt to have the addressee served personally. The
1093 department shall provide the parent from whom support is not
1094 being sought or the caregiver ~~caretaker~~ relative with a copy of
1095 the notice by regular mail to the last known address of the
1096 parent from whom support is not being sought or the caregiver
1097 ~~caretaker~~.

1098 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

1099 (a) After serving notice upon a parent in accordance with
1100 subsection (4), the department shall calculate that parent's
1101 child support obligation under the child support guidelines
1102 schedule as provided by s. 61.30, based on any timely financial
1103 affidavits received and other information available to the
1104 department. If either parent fails to comply with the
1105 requirement to furnish a financial affidavit, the department may
1106 proceed on the basis of information available from any source,
1107 if such information is sufficiently reliable and detailed to
1108 allow calculation of guideline schedule amounts under s. 61.30.
1109 If a parent receives public assistance and fails to submit a
1110 financial affidavit, the department may submit a financial
1111 affidavit or written declaration for that parent pursuant to s.
1112 61.30(15). If there is a lack of sufficient reliable information
1113 concerning a parent's actual earnings for a current or past
1114 period, it shall be presumed for the purpose of establishing a
1115 support obligation that the parent had an earning capacity equal
1116 to the federal minimum wage during the applicable period.

1117 (b) The department shall send by regular mail to both
1118 parents, or to a parent and the caregiver ~~caretaker~~ relative if
1119 applicable, copies of the proposed administrative support order,

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1120 its completed child support worksheet, and any financial
 1121 affidavits submitted by a parent or prepared by the department.
 1122 The proposed administrative support order must contain the same
 1123 elements as required for an administrative support order under
 1124 paragraph (7) (e).

1125 (7) ADMINISTRATIVE SUPPORT ORDER.—

1126 (d) The department shall send by regular mail a copy of
 1127 the administrative support order, or the final order denying an
 1128 administrative support order, to both parents, or a parent and
 1129 the caregiver ~~caretaker~~ relative if applicable. The parent from
 1130 whom support is being sought shall be notified of the right to
 1131 seek judicial review of the administrative support order in
 1132 accordance with s. 120.68.

1133 (e) An administrative support order must comply with ss.
 1134 61.13(1) and 61.30. The department shall develop a standard form
 1135 or forms for administrative support orders. An administrative
 1136 support order must provide and state findings, if applicable,
 1137 concerning:

- 1138 1. The full name and date of birth of the child or
 1139 children;
- 1140 2. The name of the parent from whom support is being
 1141 sought and the other parent or the caregiver ~~caretaker~~ relative;
- 1142 3. The parent's duty and ability to provide support;
- 1143 4. The amount of the parent's monthly support obligation;
- 1144 5. Any obligation to pay retroactive support;
- 1145 6. The parent's obligation to provide for the health care
 1146 needs of each child, whether through health insurance,
 1147 contribution towards the cost of health insurance, payment or

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1148 reimbursement of health care expenses for the child, or any
 1149 combination thereof;

1150 7. The beginning date of any required monthly payments and
 1151 health insurance;

1152 8. That all support payments ordered must be paid to the
 1153 Florida State Disbursement Unit as provided by s. 61.1824;

1154 9. That the parents, or the caregiver ~~caretaker~~ relative
 1155 if applicable, must file with the department when the
 1156 administrative support order is rendered, if they have not
 1157 already done so, and update as appropriate the information
 1158 required pursuant to paragraph (13) (b);

1159 10. That both parents, or a parent and the caregiver
 1160 ~~caretaker~~ relative if applicable, are required to promptly
 1161 notify the department of any change in their mailing addresses
 1162 pursuant to paragraph (13) (c); and

1163 11. That if the parent ordered to pay support receives
 1164 unemployment compensation benefits, the payor shall withhold,
 1165 and transmit to the department, 40 percent of the benefits for
 1166 payment of support, not to exceed the amount owed.

1167
 1168 An income deduction order as provided by s. 61.1301 must be
 1169 incorporated into the administrative support order or, if not
 1170 incorporated into the administrative support order, the
 1171 department or the Division of Administrative Hearings shall
 1172 render a separate income deduction order.

1173 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
 1174 ADDRESS OF RECORD.—In all proceedings pursuant to this section:

1175 (a) Each parent must execute and furnish to the

1176 department, no later than 20 days after receipt of the notice of
 1177 proceeding to establish administrative support order, a
 1178 financial affidavit in the form prescribed by the department. An
 1179 updated financial affidavit must be executed and furnished to
 1180 the department at the inception of each proceeding to modify an
 1181 administrative support order. A caregiver is ~~Caretaker relatives~~
 1182 ~~are~~ not required to furnish a financial affidavit ~~affidavits~~.

1183 (b) Each parent and the caregiver ~~caretaker relative~~ if
 1184 applicable, shall disclose to the department, no later than 20
 1185 days after receipt of the notice of proceeding to establish
 1186 administrative support order, and update as appropriate,
 1187 information regarding his or her identity and location,
 1188 including names he or she is known by; social security number;
 1189 residential and mailing addresses; telephone numbers; driver's
 1190 license numbers; and names, addresses, and telephone numbers of
 1191 employers. Pursuant to the federal Personal Responsibility and
 1192 Work Opportunity Reconciliation Act of 1996, each person must
 1193 provide his or her social security number in accordance with
 1194 this section. Disclosure of social security numbers obtained
 1195 through this requirement shall be limited to the purpose of
 1196 administration of the Title IV-D program for child support
 1197 enforcement.

1198 (c) Each parent and the caregiver ~~caretaker relative~~, if
 1199 applicable, has a continuing obligation to promptly inform the
 1200 department in writing of any change in his or her mailing
 1201 address to ensure receipt of all subsequent pleadings, notices,
 1202 payments, statements, and orders, and receipt is presumed if
 1203 sent by regular mail to the most recent address furnished by the

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1204 person.

1205 Section 9. Subsection (7) of section 409.25635, Florida
 1206 Statutes, is amended to read:

1207 409.25635 Determination and collection of noncovered
 1208 medical expenses.—

1209 (7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.—Any
 1210 administrative remedy available for collection of support may be
 1211 used to collect noncovered medical expenses that are determined
 1212 or established under this section. The department may collect
 1213 noncovered medical expenses in installments by adding a periodic
 1214 payment to an income deduction notice issued by the department.

1215 Section 10. Effective November 1, 2010, subsections (4),
 1216 (5), (7), (8), (9), and (11) of section 409.2564, Florida
 1217 Statutes, are amended to read:

1218 409.2564 Actions for support.—

1219 (4) Whenever the Department of Revenue has undertaken an
 1220 action for enforcement of support, the Department of Revenue may
 1221 enter into an agreement with the obligor for the entry of a
 1222 judgment determining paternity, if applicable, and for periodic
 1223 child support payments based on the child support guidelines
 1224 schedule in s. 61.30. Prior to entering into this agreement, the
 1225 obligor shall be informed that a judgment will be entered based
 1226 on the agreement. The clerk of the court shall file the
 1227 agreement without the payment of any fees or charges, and the
 1228 court, upon entry of the judgment, shall forward a copy of the
 1229 judgment to the parties to the action. ~~To encourage out-of-court~~
 1230 ~~settlement and promote support order compliance, if the obligor~~
 1231 ~~and the Department of Revenue agree on entry of a support order~~

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1232 ~~and its terms, the guideline amount owed for retroactive support~~
 1233 ~~that is permanently assigned to the state shall be reduced by 25~~
 1234 ~~percent.~~

1235 (5) Whenever the department ~~IV-D agency~~ has undertaken an
 1236 action to determine paternity, to establish an obligation of
 1237 support, or to enforce or modify an obligation of support, the
 1238 department ~~IV-D agency~~ shall be a party to the action only for
 1239 those purposes allowed under Title IV-D of the Social Security
 1240 Act. The program attorney shall be the attorney of record solely
 1241 for the purposes of support enforcement as authorized under
 1242 Title IV-D and may prosecute only those activities which are
 1243 eligible for federal financial participation under Title IV-D.
 1244 An attorney-client relationship exists only between the
 1245 department and the legal services providers in all Title IV-D
 1246 cases. The attorney shall advise the obligee in Title IV-D cases
 1247 that the attorney represents the agency and not the obligee.

1248 (7) The director of the department ~~Title IV-D agency~~, or
 1249 the director's designee, is authorized to subpoena from any
 1250 person financial and other information necessary to establish,
 1251 modify, or enforce a child support order.

1252 (a) For the purpose of establishing or modifying a child
 1253 support order, or enforcing a support order, the director of the
 1254 department ~~this~~ or another state's Title IV-D agency, or any
 1255 employee designated by the director of the department ~~this~~
 1256 ~~state's Title IV-D agency~~ or authorized under another state's
 1257 law, may administer oaths or affirmations, subpoena witnesses
 1258 and compel their attendance, take evidence and require the
 1259 production of any matter which is relevant to the support

1260 action, including the existence, description, nature, custody,
 1261 condition, and location of any books, documents, or other
 1262 tangible things and the identity and location of persons having
 1263 knowledge of relevant facts or any other matter reasonably
 1264 calculated to lead to the discovery of material evidence.

1265 (b) Subpoenas issued by the department ~~this~~ or another ~~any~~
 1266 ~~other~~ state's Title IV-D agency may be challenged in accordance
 1267 with s. 120.569(2)(k)1. While a subpoena is being challenged,
 1268 the department ~~Title IV-D agency~~ may not impose a fine as
 1269 provided for under paragraph (c) until the challenge is complete
 1270 and the subpoena has been found to be valid.

1271 (c) The department ~~Title IV-D agency~~ is authorized to
 1272 impose a fine for failure to comply with a subpoena. Failure to
 1273 comply with the subpoena, or to challenge the subpoena as
 1274 provided in paragraph (b), within 15 days after service of the
 1275 subpoena may result in the agency taking the following actions:

1276 1. Imposition of an administrative fine of not more than
 1277 \$500.

1278 2. Enforcement of the subpoena as provided in s.
 1279 120.569(2)(k)2. When the subpoena is enforced pursuant to s.
 1280 120.569(2)(k)2., the court may award costs and fees to the
 1281 prevailing party in accordance with that section.

1282 (d) The department ~~Title IV-D agency~~ may seek to collect
 1283 administrative fines imposed pursuant to paragraph (c) by filing
 1284 a petition in the circuit court of the judicial circuit in which
 1285 the person against whom the fine was imposed resides. All fines
 1286 collected pursuant to this subsection shall be deposited into
 1287 the Child Support Enforcement Application and Program Revenue

1288 Trust Fund.

1289 (8) In cases in which support is subject to an assignment
 1290 as provided under 45 C.F.R. s. 301.1, the department ~~Title IV-D~~
 1291 ~~agency~~ shall, upon providing notice to the obligor and obligee,
 1292 direct the obligor or other payor to change the payee to the
 1293 appropriate depository.

1294 (9) (a) For the purpose of securing delinquent support, the
 1295 department ~~Title IV-D~~ ~~agency~~ may increase the amount of the
 1296 monthly support obligation to include amounts for delinquencies,
 1297 subject to such conditions or limitations as set forth in
 1298 paragraph (b).

1299 (b) In support obligations not subject to income
 1300 deduction, the department ~~Title IV-D~~ ~~agency~~ shall notify the
 1301 obligor of his or her delinquency and of the department's intent
 1302 to require an additional 20 percent of the monthly obligation
 1303 amount to allow for collection of the delinquency unless, within
 1304 20 days, the obligor:

- 1305 1. Pays the delinquency in full; or
- 1306 2. Files a petition with the circuit court to contest the
- 1307 delinquency action.

1308 (11) (a) The department ~~Title IV-D~~ ~~agency~~ shall review
 1309 child support orders in IV-D cases at least every 3 years upon
 1310 request by either party, or the agency in cases where there is
 1311 an assignment of support to the state under s. 414.095(7), and
 1312 may seek modification ~~adjustment~~ of the order if appropriate
 1313 under the guidelines schedule established in s. 61.30. Not less
 1314 than once every 3 years the department ~~IV-D~~ ~~agency~~ shall provide
 1315 notice to the parties subject to the order informing them of

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1316 their right to request a review and, if appropriate, a
1317 modification ~~an adjustment~~ of the child support order. ~~The said~~
1318 notice requirement may be met by including appropriate language
1319 in the initial support order or any subsequent orders.

1320 (b) If the department's review of a support order entered
1321 by the circuit court indicates that the order should be
1322 modified, the department, through counsel, shall file a petition
1323 to modify the order with the court. Along with the petition, the
1324 department shall file a child support guideline worksheet, any
1325 financial affidavits received from the parties or completed by
1326 the department as part of the support order review, a proposed
1327 modified order, and a notice that informs the parties of the
1328 requirement to file an objection or a request for hearing with
1329 the court if the party wants a court hearing on the petition to
1330 modify. A copy of the petition, proposed order, and other
1331 documents shall be served by regular mail on a party who
1332 requested support order review or who responded to the
1333 department during the review. A party who did not request the
1334 support order review or respond to the department during the
1335 review shall be served by certified mail, return receipt
1336 requested, or restricted delivery, or served personally in any
1337 manner authorized under chapter 48.

1338 (c) To obtain a court hearing on a petition to modify, a
1339 party who is served by regular mail must file an objection to
1340 the proposed order or a request for hearing with the court
1341 within 30 days after the date on which the petition, proposed
1342 order, and other documents were mailed. If a party is served
1343 personally or by certified mail, to obtain a court hearing the

1344 party must file an objection to the proposed order or a request
 1345 for hearing with the court within 30 days after the date of
 1346 receipt of the petition, proposed order, and other documents.

1347 (d) If a timely objection or request for hearing is not
 1348 filed with the court, the court may modify the support order
 1349 without a hearing in accordance with the terms of the proposed
 1350 order.

1351 (e) If a support order does not provide for payment of
 1352 noncovered medical expenses or require health insurance for the
 1353 minor child and health insurance is accessible to the child and
 1354 available at a reasonable cost, the department shall seek to
 1355 have the order modified and any modification shall be made
 1356 without a requirement for proof or showing of a change in
 1357 circumstances.

1358 Section 11. Subsection (5) of section 409.2567, Florida
 1359 Statutes, is amended to read:

1360 409.2567 Services to individuals not otherwise eligible.—

1361 (5) The Department of Revenue may ~~shall~~ seek a waiver from
 1362 the Secretary of the United States Department of Health and
 1363 Human Services to authorize the Department of Revenue to provide
 1364 services in accordance with Title IV-D of the Social Security
 1365 Act to individuals who are owed support without need of an
 1366 application. The department may seek a waiver if it determines
 1367 that the estimated increase in federal funding to the state
 1368 would exceed any additional cost to the state if the waiver is
 1369 granted. If the waiver is granted, the Department of Revenue
 1370 shall adopt rules to implement the waiver and begin providing
 1371 Title IV-D services if support payments are not being paid as

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1372 ordered, except that the individual first must be given written
 1373 notice of the right to refuse Title IV-D services and a
 1374 reasonable opportunity to respond.

1375 Section 12. Subsection (3) of section 409.259, Florida
 1376 Statutes, is amended to read:

1377 409.259 Filing fees in Title IV-D cases; electronic filing
 1378 of pleadings, returns of service, and other papers.—

1379 (3) The clerks of the circuit court, chief judges through
 1380 the Office of the State Courts Administrator, sheriffs, Office
 1381 of the Attorney General, and Department of Revenue shall work
 1382 cooperatively to implement electronic filing of pleadings,
 1383 returns of service, and other papers with the clerks of the
 1384 circuit court in Title IV-D cases upon completion of the
 1385 department's Child Support Automated Management System II ~~by~~
 1386 ~~October 1, 2009.~~

1387 Section 13. Paragraph (a) of subsection (20) of section
 1388 409.910, Florida Statutes, is amended to read:

1389 409.910 Responsibility for payments on behalf of Medicaid-
 1390 eligible persons when other parties are liable.—

1391 (20) Entities providing health insurance as defined in s.
 1392 624.603, health maintenance organizations and prepaid health
 1393 clinics as defined in chapter 641, and, on behalf of their
 1394 clients, third-party administrators and pharmacy benefits
 1395 managers as defined in s. 409.901(27) shall provide such records
 1396 and information as are necessary to accomplish the purpose of
 1397 this section, unless such requirement results in an unreasonable
 1398 burden.

1399 (a) The director of the agency and the Director of the

1400 Office of Insurance Regulation of the Financial Services
 1401 Commission shall enter into a cooperative agreement for
 1402 requesting and obtaining information necessary to effect the
 1403 purpose and objective of this section.

1404 1. The agency shall request only that information
 1405 necessary to determine whether health insurance as defined
 1406 pursuant to s. 624.603, or those health services provided
 1407 pursuant to chapter 641, could be, should be, or have been
 1408 claimed and paid with respect to items of medical care and
 1409 services furnished to any person eligible for services under
 1410 this section.

1411 2. All information obtained pursuant to subparagraph 1. is
 1412 confidential and exempt from s. 119.07(1). The agency shall
 1413 provide the information obtained pursuant to subparagraph 1. to
 1414 the Department of Revenue for purposes of administering the
 1415 Title IV-D program. The agency and the department shall enter
 1416 into a cooperative agreement for purposes of implementing this
 1417 subparagraph.

1418 3. The cooperative agreement or rules adopted under this
 1419 subsection may include financial arrangements to reimburse the
 1420 reporting entities for reasonable costs or a portion thereof
 1421 incurred in furnishing the requested information. Neither the
 1422 cooperative agreement nor the rules shall require the automation
 1423 of manual processes to provide the requested information.

1424 Section 14. Subsection (7) of section 414.095, Florida
 1425 Statutes, is amended to read:

1426 414.095 Determining eligibility for temporary cash
 1427 assistance.—

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1428 (7) ASSIGNMENT OF RIGHTS TO SUPPORT.—As a condition of
1429 receiving temporary cash assistance, the family must assign to
1430 the Department of Revenue any rights a member of a family may
1431 have to support from any other person. This applies to any
1432 family member; however, the assigned amounts must not exceed the
1433 total amount of temporary cash assistance provided to the
1434 family. The assignment of support does not apply if the family
1435 leaves the program.

1436 Section 15. Subsection (1) of section 741.01, Florida
1437 Statutes, is amended to read:

1438 741.01 County court judge or clerk of the circuit court to
1439 issue marriage license; fee.—

1440 (1) Every marriage license shall be issued by a county
1441 court judge or clerk of the circuit court under his or her hand
1442 and seal. The county court judge or clerk of the circuit court
1443 shall issue such license, upon application for the license, if
1444 there appears to be no impediment to the marriage. An
1445 application for a marriage license must allow both parties to
1446 the marriage to state under oath and in writing if they are the
1447 parents of a child born in the state and to identify any such
1448 child they have in common by name, date of birth, place of
1449 birth, and, if available, birth certificate number. The name of
1450 any child recorded by both parties must be transmitted to the
1451 Department of Health with the original marriage license and
1452 endorsements. The county court judge or clerk of the circuit
1453 court shall collect and receive a fee of \$2 for receiving the
1454 application for the issuance of a marriage license.

1455 Section 16. Section 63.054, Florida Statutes, is amended
 1456 to read:

1457 63.054 Actions required by an unmarried biological father
 1458 to establish parental rights; Florida Alleged ~~Putative~~ Father
 1459 Registry.—

1460 (1) In order to preserve the right to notice and consent
 1461 to an adoption under this chapter, an unmarried biological
 1462 father must, as the "registrant," file a notarized claim of
 1463 paternity form with the Florida Alleged ~~Putative~~ Father Registry
 1464 maintained by the Office of Vital Statistics of the Department
 1465 of Health which includes confirmation of his willingness and
 1466 intent to support the child for whom paternity is claimed in
 1467 accordance with state law. The claim of paternity may be filed
 1468 at any time before the child's birth, but may not be filed after
 1469 the date a petition is filed for termination of parental rights.
 1470 In each proceeding for termination of parental rights, the
 1471 petitioner must submit to the Office of Vital Statistics a copy
 1472 of the petition for termination of parental rights. The Office
 1473 of Vital Statistics may not record a claim of paternity after
 1474 the date a petition for termination of parental rights is filed.
 1475 The failure of an unmarried biological father to file a claim of
 1476 paternity with the registry before the date a petition for
 1477 termination of parental rights is filed also bars him from
 1478 filing a paternity claim under chapter 742.

1479 (a) An unmarried biological father is excepted from the
 1480 time limitations for filing a claim of paternity with the
 1481 registry or for filing a paternity claim under chapter 742, if:

1482 1. The mother identifies him to the adoption entity as a

1483 potential biological father by the date she executes a consent
 1484 for adoption; and

1485 2. He is served with a notice of intended adoption plan
 1486 pursuant to s. 63.062(3) and the 30-day mandatory response date
 1487 is later than the date the petition for termination of parental
 1488 rights is filed with the court.

1489 (b) If an unmarried biological father falls within the
 1490 exception provided by paragraph (a), the petitioner shall also
 1491 submit to the Office of Vital Statistics a copy of the notice of
 1492 intended adoption plan and proof of service of the notice on the
 1493 potential biological father.

1494 (c) An unmarried biological father who falls within the
 1495 exception provided by paragraph (a) may not file a claim of
 1496 paternity with the registry or a paternity claim under chapter
 1497 742 after the 30-day mandatory response date to the notice of
 1498 intended adoption plan has expired. The Office of Vital
 1499 Statistics may not record a claim of paternity 30 days after
 1500 service of the notice of intended adoption plan.

1501 (2) By filing a claim of paternity form with the Office of
 1502 Vital Statistics, the registrant expressly consents to submit to
 1503 DNA testing upon the request of any party, the registrant, or
 1504 the adoption entity with respect to the child referenced in the
 1505 claim of paternity.

1506 (3) The Office of Vital Statistics of the Department of
 1507 Health shall adopt by rule the appropriate claim of paternity
 1508 form in English, Spanish, and Creole in order to facilitate the
 1509 registration of an unmarried biological father with the Florida
 1510 Alleged Putative Father Registry and shall, within existing

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1511 resources, make these forms available through local offices of
1512 the Department of Health and the Department of Children and
1513 Family Services, the Internet websites of those agencies, and
1514 the offices of the clerks of the circuit court. The claim of
1515 paternity form shall be signed by the unmarried biological
1516 father and must include his name, address, date of birth, and
1517 physical description. In addition, the registrant shall provide,
1518 if known, the name, address, date of birth, and physical
1519 description of the mother; the date, place, and location of
1520 conception of the child; and the name, date, and place of birth
1521 of the child or estimated date of birth of the expected minor
1522 child, if known. The claim of paternity form shall be signed
1523 under oath by the registrant.

1524 (4) Upon initial registration, or at any time thereafter,
1525 the registrant may designate an address other than his
1526 residential address for sending any communication regarding his
1527 registration. Similarly, upon initial registration, or at any
1528 time thereafter, the registrant may designate, in writing, an
1529 agent or representative to receive any communication on his
1530 behalf and receive service of process. The agent or
1531 representative must file an acceptance of the designation, in
1532 writing, in order to receive notice or service of process. The
1533 failure of the designated representative or agent of the
1534 registrant to deliver or otherwise notify the registrant of
1535 receipt of correspondence from the Florida Alleged Putative
1536 Father Registry is at the registrant's own risk and shall not
1537 serve as a valid defense based upon lack of notice.

1538 (5) The registrant may, at any time prior to the birth of

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1539 the child for whom paternity is claimed, execute a notarized
1540 written revocation of the claim of paternity previously filed
1541 with the Florida Alleged ~~Putative~~ Father Registry, and upon
1542 receipt of such revocation, the claim of paternity shall be
1543 deemed null and void. If a court determines that a registrant is
1544 not the father of the minor or has no parental rights, the court
1545 shall order the Department of Health to remove the registrant's
1546 name from the registry.

1547 (6) It is the obligation of the registrant or, if
1548 designated under subsection (4), his designated agent or
1549 representative to notify and update the Office of Vital
1550 Statistics of any change of address or change in the designation
1551 of an agent or representative. The failure of a registrant, or
1552 designated agent or representative, to report any such change is
1553 at the registrant's own risk and may not serve as a defense
1554 based upon lack of notice, and the adoption entity or petitioner
1555 has no further obligation to search for the registrant unless
1556 the person petitioning for termination of parental rights or
1557 adoption has actual notice of the registrant's address and
1558 whereabouts from another source.

1559 (7) In each proceeding for termination of parental rights
1560 or each adoption proceeding in which parental rights are being
1561 terminated simultaneously with entry of the final judgment of
1562 adoption, as in a stepparent and relative adoption filed under
1563 this chapter, the petitioner must contact the Office of Vital
1564 Statistics by submitting an application for a search of the
1565 Florida Alleged ~~Putative~~ Father Registry. The petitioner must
1566 provide the same information, if known, on the search

1567 application form that the registrant furnished under subsection
 1568 (3). Thereafter, the Office of Vital Statistics shall issue a
 1569 certificate signed by the State Registrar certifying:

1570 (a) The identity and contact information, if any, for each
 1571 registered unmarried biological father whose information matches
 1572 the search request sufficiently so that such person may be
 1573 considered a possible father of the subject child; or

1574 (b) That a diligent search has been made of the
 1575 registrants who may be the unmarried biological father of the
 1576 subject child and that no matching registration has been located
 1577 in the registry.

1578
 1579 The certificate must be filed with the court in the proceeding
 1580 to terminate parental rights or the adoption proceeding. If a
 1581 termination of parental rights and an adoption proceeding are
 1582 being adjudicated separately, the Florida Alleged ~~Putative~~
 1583 Father Registry need only be searched for the termination of
 1584 parental rights proceeding.

1585 (8) If an unmarried biological father does not know the
 1586 county in which the birth mother resides, gave birth, or intends
 1587 to give birth, he may initiate an action in any county in the
 1588 state, subject to the birth mother's right to change venue to
 1589 the county where she resides.

1590 (9) The Department of Health shall establish and maintain
 1591 a Florida Alleged ~~Putative~~ Father Registry through its Office of
 1592 Vital Statistics, in accordance with the requirements of this
 1593 section. The Department of Health may charge a nominal fee to
 1594 cover the costs of filing and indexing the Florida Alleged

1595 ~~Putative~~ Father Registry and the costs of searching the
 1596 registry.

1597 (10) The Department of Health shall, within existing
 1598 resources, prepare and adopt by rule application forms for
 1599 initiating a search of the Florida Alleged ~~Putative~~ Father
 1600 Registry and shall make those forms available through the local
 1601 offices of the Department of Health and the Department of
 1602 Children and Family Services and the offices of the clerks of
 1603 the circuit court.

1604 (11) The Department of Health shall produce and
 1605 distribute, within existing resources, a pamphlet or publication
 1606 informing the public about the Florida Alleged ~~Putative~~ Father
 1607 Registry and which is printed in English, Spanish, and Creole.
 1608 The pamphlet shall indicate the procedures for voluntary
 1609 acknowledgment of paternity, the consequences of acknowledgment
 1610 of paternity, the consequences of failure to acknowledge
 1611 paternity, and the address of the Florida Alleged ~~Putative~~
 1612 Father Registry. Such pamphlets or publications shall be made
 1613 available for distribution at all offices of the Department of
 1614 Health and the Department of Children and Family Services and
 1615 shall be included in health class curricula taught in public and
 1616 charter schools in this state. The Department of Health shall
 1617 also provide such pamphlets or publications to hospitals,
 1618 adoption entities, libraries, medical clinics, schools,
 1619 universities, and providers of child-related services, upon
 1620 request. In cooperation with the Department of Highway Safety
 1621 and Motor Vehicles, each person applying for a Florida driver's
 1622 license, or renewal thereof, and each person applying for a

1623 Florida identification card shall be offered the pamphlet or
 1624 publication informing the public about the Florida Alleged
 1625 ~~Putative~~ Father Registry.

1626 (12) The Department of Health shall, within existing
 1627 resources, provide additional information about the Florida
 1628 Alleged ~~Putative~~ Father Registry and its services to the public
 1629 in English, Spanish, and Creole using public service
 1630 announcements, Internet websites, and such other means as it
 1631 deems appropriate.

1632 (13) The filing of a claim of paternity with the Florida
 1633 Alleged ~~Putative~~ Father Registry does not excuse or waive the
 1634 obligation of a petitioner to comply with the requirements for
 1635 conducting a diligent search and inquiry with respect to the
 1636 identity of an unmarried biological father or legal father which
 1637 are set forth in this chapter.

1638 (14) The Office of Vital Statistics of the Department of
 1639 Health is authorized to adopt rules to implement this section.

1640 Section 17. Section 63.0541, Florida Statutes, is amended
 1641 to read:

1642 63.0541 Public records exemption for the Florida Alleged
 1643 ~~Putative~~ Father Registry.—

1644 (1) All information contained in the Florida Alleged
 1645 ~~Putative~~ Father Registry is confidential and exempt from s.
 1646 119.07(1) and s. 24(a), Art. I of the State Constitution.

1647 (2) Information made confidential and exempt by this
 1648 section shall be disclosed to:

1649 (a) An adoption entity, upon the filing of a request for a
 1650 diligent search of the Florida Alleged ~~Putative~~ Father Registry

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1651 in connection with the planned adoption of a child.

1652 (b) The registrant unmarried biological father, upon
 1653 receipt of a notarized request for a copy of his registry entry
 1654 only.

1655 (c) The birth mother, upon receipt of a notarized request
 1656 for a copy of any registry entry in which she is identified as
 1657 the birth mother.

1658 (d) The court, upon issuance of a court order concerning a
 1659 petitioner acting pro se in an action under this chapter.

1660 (3) The database comprising the Florida Alleged ~~Putative~~
 1661 Father Registry shall remain separate from all other databases.

1662 Section 18. Paragraphs (b) and (c) of subsection (2) and
 1663 subsection (3) of section 63.062, Florida Statutes, are amended
 1664 to read:

1665 63.062 Persons required to consent to adoption; affidavit
 1666 of nonpaternity; waiver of venue.—

1667 (2) In accordance with subsection (1), the consent of an
 1668 unmarried biological father shall be necessary only if the
 1669 unmarried biological father has complied with the requirements
 1670 of this subsection.

1671 (b) With regard to a child who is younger than 6 months of
 1672 age at the time the child is placed with the adoptive parents,
 1673 an unmarried biological father must have demonstrated a full
 1674 commitment to his parental responsibility by having performed
 1675 all of the following acts prior to the time the mother executes
 1676 her consent for adoption:

1677 1. Filed a notarized claim of paternity form with the
 1678 Florida Alleged ~~Putative~~ Father Registry within the Office of

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1679 Vital Statistics of the Department of Health, which form shall
1680 be maintained in the confidential registry established for that
1681 purpose and shall be considered filed when the notice is entered
1682 in the registry of notices from unmarried biological fathers.

1683 2. Upon service of a notice of an intended adoption plan
1684 or a petition for termination of parental rights pending
1685 adoption, executed and filed an affidavit in that proceeding
1686 stating that he is personally fully able and willing to take
1687 responsibility for the child, setting forth his plans for care
1688 of the child, and agreeing to a court order of child support and
1689 a contribution to the payment of living and medical expenses
1690 incurred for the mother's pregnancy and the child's birth in
1691 accordance with his ability to pay.

1692 3. If he had knowledge of the pregnancy, paid a fair and
1693 reasonable amount of the expenses incurred in connection with
1694 the mother's pregnancy and the child's birth, in accordance with
1695 his financial ability and when not prevented from doing so by
1696 the birth mother or person or authorized agency having lawful
1697 custody of the child.

1698 (c) The petitioner shall file with the court a certificate
1699 from the Office of Vital Statistics stating that a diligent
1700 search has been made of the Florida Alleged ~~Putative~~ Father
1701 Registry of notices from unmarried biological fathers described
1702 in subparagraph (b)1. and that no filing has been found
1703 pertaining to the father of the child in question or, if a
1704 filing is found, stating the name of the alleged ~~putative~~ father
1705 and the time and date of filing. That certificate shall be filed
1706 with the court prior to the entry of a final judgment of

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1707 termination of parental rights.

1708 (3) Pursuant to chapter 48, an adoption entity shall serve
1709 a notice of intended adoption plan upon any known and locatable
1710 unmarried biological father who is identified to the adoption
1711 entity by the mother by the date she signs her consent for
1712 adoption or who is identified by a diligent search of the
1713 Florida Alleged ~~Putative~~ Father Registry, or upon an entity
1714 whose consent is required. Service of the notice of intended
1715 adoption plan is not mandatory when the unmarried biological
1716 father signs a consent for adoption or an affidavit of
1717 nonpaternity. The notice may be served at any time before the
1718 child's birth or before placing the child in the adoptive home.
1719 The recipient of the notice may waive service of process by
1720 executing a waiver and acknowledging receipt of the plan. The
1721 notice of intended adoption plan must specifically state that if
1722 the unmarried biological father desires to contest the adoption
1723 plan he must, within 30 days after service, file with the court
1724 a verified response that contains a pledge of commitment to the
1725 child in substantial compliance with subparagraph (2)(b)2. and a
1726 claim of paternity form with the Office of Vital Statistics, and
1727 must provide the adoption entity with a copy of the verified
1728 response filed with the court and the claim of paternity form
1729 filed with the Office of Vital Statistics. The notice must also
1730 include instructions for submitting a claim of paternity form to
1731 the Office of Vital Statistics and the address to which the
1732 claim must be sent. If the party served with the notice of
1733 intended adoption plan is an entity whose consent is required,
1734 the notice must specifically state that the entity must file,

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

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1735 within 30 days after service, a verified response setting forth
 1736 a legal basis for contesting the intended adoption plan,
 1737 specifically addressing the best interest of the child.

1738 (a) If the unmarried biological father or entity whose
 1739 consent is required fails to timely and properly file a verified
 1740 response with the court and, in the case of an unmarried
 1741 biological father, a claim of paternity form with the Office of
 1742 Vital Statistics, the court shall enter a default against any
 1743 unmarried biological father or entity and the consent of that
 1744 unmarried biological father or entity shall no longer be
 1745 required under this chapter and shall be deemed to have waived
 1746 any claim of rights to the child. To avoid a default, within 30
 1747 days after receipt of service of the notice of intended adoption
 1748 plan:

1749 1. The unmarried biological father must:

1750 a. File a claim of paternity with the Florida Alleged
 1751 ~~Putative~~ Father Registry maintained by the Office of Vital
 1752 Statistics;

1753 b. File a verified response with the court which contains
 1754 a pledge of commitment to the child in substantial compliance
 1755 with subparagraph (2) (b) 2.; and

1756 c. Provide support for the birth mother and the child.

1757 2. The entity whose consent is required must file a
 1758 verified response setting forth a legal basis for contesting the
 1759 intended adoption plan, specifically addressing the best
 1760 interest of the child.

1761 (b) If the mother identifies a potential unmarried
 1762 biological father whose location is unknown, the adoption entity

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1763 shall conduct a diligent search pursuant to s. 63.088. If, upon
 1764 completion of a diligent search, the potential unmarried
 1765 biological father's location remains unknown and a search of the
 1766 Florida Alleged ~~Putative~~ Father Registry fails to reveal a
 1767 match, the adoption entity shall request in the petition for
 1768 termination of parental rights pending adoption that the court
 1769 declare the diligent search to be in compliance with s. 63.088,
 1770 that the adoption entity has no further obligation to provide
 1771 notice to the potential unmarried biological father, and that
 1772 the potential unmarried biological father's consent to the
 1773 adoption is not required.

1774 Section 19. Subsection (1) of section 63.085, Florida
 1775 Statutes, is amended to read:

1776 63.085 Disclosure by adoption entity.—

1777 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE
 1778 ADOPTIVE PARENTS.—Within 14 days after a person seeking to adopt
 1779 a minor or a person seeking to place a minor for adoption
 1780 contacts an adoption entity in person or provides the adoption
 1781 entity with a mailing address, the entity must provide a written
 1782 disclosure statement to that person if the entity agrees or
 1783 continues to work with the person. The adoption entity shall
 1784 also provide the written disclosure to the parent who did not
 1785 initiate contact with the adoption entity within 14 days after
 1786 that parent is identified and located. For purposes of providing
 1787 the written disclosure, a person is considered to be seeking to
 1788 place a minor for adoption if that person has sought information
 1789 or advice from the adoption entity regarding the option of
 1790 adoptive placement. The written disclosure statement must be in

1791 substantially the following form:

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ADOPTION DISCLOSURE

THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING ADOPTION UNDER FLORIDA LAW:

1. The name, address, and telephone number of the adoption entity providing this disclosure is:

Name: _____

Address: _____

Telephone Number: _____

2. The adoption entity does not provide legal representation or advice to parents or anyone signing a consent for adoption or affidavit of nonpaternity, and parents have the right to consult with an attorney of their own choosing to advise them.

3. With the exception of an adoption by a stepparent or relative, a child cannot be placed into a prospective adoptive home unless the prospective adoptive parents have received a favorable preliminary home study, including criminal and child abuse clearances.

4. A valid consent for adoption may not be signed by the birth mother until 48 hours after the birth of the child, or the day the birth mother is notified, in writing, that she is fit for discharge from the licensed hospital or

1819 birth center. Any man may sign a valid consent for adoption
 1820 at any time after the birth of the child.

1821 5. A consent for adoption signed before the child attains
 1822 the age of 6 months is binding and irrevocable from the
 1823 moment it is signed unless it can be proven in court that
 1824 the consent was obtained by fraud or duress. A consent for
 1825 adoption signed after the child attains the age of 6 months
 1826 is valid from the moment it is signed; however, it may be
 1827 revoked up to 3 days after it was signed.

1828 6. A consent for adoption is not valid if the signature of
 1829 the person who signed the consent was obtained by fraud or
 1830 duress.

1831 7. An unmarried biological father must act immediately in
 1832 order to protect his parental rights. Section 63.062,
 1833 Florida Statutes, prescribes that any father seeking to
 1834 establish his right to consent to the adoption of his child
 1835 must file a claim of paternity with the Florida Alleged
 1836 ~~Putative~~ Father Registry maintained by the Office of Vital
 1837 Statistics of the Department of Health by the date a
 1838 petition to terminate parental rights is filed with the
 1839 court, or within 30 days after receiving service of a
 1840 Notice of Intended Adoption Plan. If he receives a Notice
 1841 of Intended Adoption Plan, he must file a claim of
 1842 paternity with the Florida Alleged ~~Putative~~ Father
 1843 Registry, file a parenting plan with the court, and provide
 1844 financial support to the mother or child within 30 days
 1845 following service. An unmarried biological father's failure
 1846 to timely respond to a Notice of Intended Adoption Plan

1847 | constitutes an irrevocable legal waiver of any and all
1848 | rights that the father may have to the child. A claim of
1849 | paternity registration form for the Florida Alleged
1850 | ~~Putative~~ Father Registry may be obtained from any local
1851 | office of the Department of Health, Office of Vital
1852 | Statistics, the Department of Children and Families, the
1853 | Internet websites for these agencies, and the offices of
1854 | the clerks of the Florida circuit courts. The claim of
1855 | paternity form must be submitted to the Office of Vital
1856 | Statistics, Attention: Adoption Unit, P.O. Box 210,
1857 | Jacksonville, FL 32231.

1858 | 8. There are alternatives to adoption, including foster
1859 | care, relative care, and parenting the child. There may be
1860 | services and sources of financial assistance in the
1861 | community available to parents if they choose to parent the
1862 | child.

1863 | 9. A parent has the right to have a witness of his or her
1864 | choice, who is unconnected with the adoption entity or the
1865 | adoptive parents, to be present and witness the signing of
1866 | the consent or affidavit of nonpaternity.

1867 | 10. A parent 14 years of age or younger must have a
1868 | parent, legal guardian, or court-appointed guardian ad
1869 | litem to assist and advise the parent as to the adoption
1870 | plan.

1871 | 11. A parent has a right to receive supportive counseling
1872 | from a counselor, social worker, physician, clergy, or
1873 | attorney.

1874 | 12. The payment of living or medical expenses by the

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1875 prospective adoptive parents before the birth of the child
 1876 does not, in any way, obligate the parent to sign the
 1877 consent for adoption.

1878
 1879 Section 20. Paragraph (a) of subsection (2) of section
 1880 63.089, Florida Statutes, is amended to read:

1881 63.089 Proceeding to terminate parental rights pending
 1882 adoption; hearing; grounds; dismissal of petition; judgment.—

1883 (2) HEARING PREREQUISITES.—The court may hold the hearing
 1884 only when:

1885 (a) For each person whose consent to adoption is required
 1886 under s. 63.062:

1887 1. A consent under s. 63.082 has been executed and filed
 1888 with the court;

1889 2. An affidavit of nonpaternity under s. 63.082 has been
 1890 executed and filed with the court;

1891 3. Notice has been provided under ss. 63.087 and 63.088;
 1892 or

1893 4. The certificate from the Office of Vital Statistics has
 1894 been provided to the court stating that a diligent search has
 1895 been made of the Florida Alleged ~~Putative~~ Father Registry
 1896 created in s. 63.054 and that no filing has been found
 1897 pertaining to the father of the child in question or, if a
 1898 filing is found, stating the name of the alleged ~~putative~~ father
 1899 and the time and date of the filing.

1900 Section 21. Subsection (7) of section 88.2011, Florida
 1901 Statutes, is amended to read:

1902 88.2011 Bases for jurisdiction over nonresident.—In a

1903 proceeding to establish, enforce, or modify a support order or
 1904 to determine parentage, a tribunal of this state may exercise
 1905 personal jurisdiction over a nonresident individual or the
 1906 individual's guardian or conservator if:

1907 (7) The individual asserted parentage in a tribunal or in
 1908 an alleged ~~a putative~~ father registry maintained in this state
 1909 by the appropriate agency; or

1910 Section 22. Paragraph (e) of subsection (1) of section
 1911 409.2572, Florida Statutes, is amended to read:

1912 409.2572 Cooperation.—

1913 (1) An applicant for, or recipient of, public assistance
 1914 for a dependent child shall cooperate in good faith with the
 1915 department or a program attorney in:

1916 (e) Identifying another alleged ~~putative~~ father when an
 1917 earlier named alleged ~~putative~~ father has been excluded by DNA,
 1918 Human Leukocyte Antigen, or other scientific test.

1919 Section 23. Subsection (2) of section 742.021, Florida
 1920 Statutes, is amended to read:

1921 742.021 Venue, process, complaint.—

1922 (2) The complaint shall assert sufficient facts charging
 1923 the paternity of the child. Upon filing of a complaint seeking
 1924 to determine paternity, the clerk of court shall issue a notice
 1925 to each petitioner and to each respondent or defendant along
 1926 with service of the petition. The notice must be in
 1927 substantially the following form:

1928
 1929 In order to preserve the right to notice and consent to the
 1930 adoption of the child, an unmarried biological father must,

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1931 as the "registrant," file a notarized claim of paternity
1932 form with the Florida Alleged ~~Putative~~ Father Registry
1933 maintained by the Office of Vital Statistics of the
1934 Department of Health which includes confirmation of his
1935 willingness and intent to support the child for whom
1936 paternity is claimed in accordance with state law. The
1937 claim of paternity may be filed at any time before the
1938 child's birth, but a claim of paternity may not be filed
1939 after the date a petition is filed for termination of
1940 parental rights.

1941
1942 Section 24. Except as otherwise expressly provided in this
1943 act, this act shall take effect upon becoming a law.