

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. 382.013, F.S.;  
13          authorizing paternity determination based on final  
14          judgment of dissolution of marriage requiring the former  
15          husband to pay child support; authorizing the Department  
16          of Health to amend a birth certificate to reflect marital  
17          status if the mother and father marry after the birth of  
18          the child; amending s. 382.015, F.S.; authorizing the  
19          Office of Vital Statistics to amend a birth certificate to  
20          include the name of the legal father when a final judgment  
21          of dissolution of marriage requires the former husband to  
22          pay support for the child; amending s. 382.016, F.S.;  
23          authorizing the Office of Vital Statistics to amend a  
24          child's birth certificate to include the name of the legal  
25          father upon receipt of a marriage license that identifies  
26          the registrant; amending s. 409.2558, F.S.; creating  
27          additional priorities for processing undistributable  
28          collections; authorizing the Department of Revenue to

29 retain uncashed checks or closed Title IV-D case balances  
30 of child support collections under \$1; amending s.  
31 409.256, F.S.; revising definitions; permitting a person  
32 ordered to appear for genetic testing to contest the order  
33 by filing a written request for informal review within a  
34 specified time period; amending s. 409.2563, F.S.;  
35 revising the definition of the term "caretaker relative";  
36 conforming terminology; conforming a reference; amending  
37 s. 409.25635, F.S.; authorizing the Department of Revenue  
38 to collect noncovered medical expenses in installments by  
39 issuing an income deduction notice; amending s. 409.2564,  
40 F.S.; deleting the requirement for reducing the child  
41 support guideline amount for retroactive support by 25  
42 percent; providing a process for court hearings relating  
43 to support order reviews; requiring the department, rather  
44 than the Title IV-D agency, to review and take certain  
45 actions with respect to child support orders; providing  
46 for modification of a child support order; requiring the  
47 department to file a petition to modify the order and  
48 specified financial documentation under certain  
49 circumstances; providing procedures for a party to obtain  
50 a court hearing; amending s. 409.2567, F.S.; authorizing  
51 the Department of Revenue to seek a waiver from certain  
52 application requirements from the United States Department  
53 of Health and Human Services under certain conditions;  
54 amending s. 409.259, F.S.; extending the deadline for  
55 implementing electronic filing in Title IV-D cases to  
56 coincide with completion of the department's Child Support

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57 Automated Management System II; amending s. 409.910, F.S.;  
58 authorizing the Agency for Health Care Administration to  
59 provide health insurance information to the Department of  
60 Revenue for administering the Title IV-D program;  
61 requiring the agency and the department to enter into a  
62 cooperative agreement to implement the requirement;  
63 amending s. 414.095, F.S.; requiring a family to assign  
64 rights to receive certain financial support to the  
65 Department of Revenue, rather than the Department of  
66 Children and Family Services, as a condition of receiving  
67 temporary cash assistance; amending s. 741.01, F.S.;  
68 providing that an application for a marriage license must  
69 allow both parties to the marriage to state under oath and  
70 in writing if they are the parents of any child born in  
71 the state and to identify any child they have in common;  
72 requiring the name of any child recorded by both parties  
73 to be transmitted to the Department of Health; reenacting  
74 ss. 61.14(1)(c) and 61.30(1)(c), F.S., relating to the  
75 enforcement and modification of support, maintenance, or  
76 alimony agreements or orders and child support guidelines,  
77 respectively, to incorporate the amendments made to s.  
78 409.2564, F.S., in references thereto; providing effective  
79 dates.

80  
81 Be It Enacted by the Legislature of the State of Florida:

82  
83 Section 1. Paragraphs (b) and (d) of subsection (1) of  
84 section 61.13, Florida Statutes, are amended to read:

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85           61.13 Support of children; parenting and time-sharing;  
86 powers of court.—

87           (1)

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

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

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

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

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

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

139 2.a. A support order enforced under Title IV-D of the  
140 Social Security Act which requires that the obligor provide

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

169 not delay the withholding of premium payments by the union,  
170 employer, or health plan administrator. The union, employer, or  
171 health plan administrator must implement the withholding as  
172 directed by the national medical support notice unless notified  
173 by the department that the national medical support notice is  
174 terminated.

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

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

187 4.a. Upon receipt of the national medical support notice  
188 under subparagraph 2. in a Title IV-D case, the union or  
189 employer shall transfer the notice to the appropriate group  
190 health plan administrator within 20 business days after the date  
191 on the notice. The plan administrator must enroll the child as a  
192 beneficiary in the group health plan regardless of any  
193 restrictions on the enrollment period, and the union or employer  
194 must withhold any required premium from the obligor's income  
195 upon notification by the plan administrator that the child is  
196 enrolled. The child shall be enrolled in the group health plan

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197 | in which the obligor is enrolled. If the group health plan in  
198 | which the obligor is enrolled is not available where the child  
199 | resides or if the obligor is not enrolled in group coverage, the  
200 | child shall be enrolled in the lowest cost group health plan  
201 | that is accessible to the child.

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

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

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

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



225 the maximum allowed in the following order:

226 (I) Current support, as ordered.

227 (II) Past due support, as ordered.

228 (III) Other medical support or insurance, as ordered.

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

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

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

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

250 3. For support orders payable directly to the obligee ~~that~~  
 251 ~~do not provide for immediate income deduction~~, any party, or the  
 252 department IV-D agency in a IV-D case, may subsequently file an

253 affidavit with the depository ~~State Disbursement Unit~~ alleging a  
 254 default in payment of child support and stating that the party  
 255 wishes to require that payments be made through the depository  
 256 ~~State Disbursement Unit~~. The party shall provide copies of the  
 257 affidavit to the court and to each other party. Fifteen days  
 258 after receipt of the affidavit, the depository ~~State~~  
 259 ~~Disbursement Unit~~ shall notify all parties that future payments  
 260 shall be paid through the depository, except that income  
 261 deduction payments shall be made to the State Disbursement Unit.

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

264 61.30 Child support guidelines; retroactive child  
 265 support.—

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

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

276 382.013 Birth registration.—A certificate for each live  
 277 birth that occurs in this state shall be filed within 5 days  
 278 after such birth with the local registrar of the district in  
 279 which the birth occurred and shall be registered by the local  
 280 registrar if the certificate has been completed and filed in

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281 accordance with this chapter and adopted rules. The information  
282 regarding registered births shall be used for comparison with  
283 information in the state case registry, as defined in chapter  
284 61.

285 (2) PATERNITY.—

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

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

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

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309 facility shall assist in the execution of the affidavit, a  
 310 notarized voluntary acknowledgment of paternity, or a voluntary  
 311 acknowledgment of paternity that is witnessed by two individuals  
 312 and signed under penalty of perjury as specified by s.  
 313 92.525(2).

314 (d) If the paternity of the child is determined by a court  
 315 of competent jurisdiction as provided under s. 382.015, or if  
 316 there is a final judgment of dissolution of marriage that  
 317 requires the former husband to pay child support for the child,  
 318 the name of the father and the surname of the child shall be  
 319 entered on the certificate in accordance with the finding and  
 320 order of the court. If the court fails to specify a surname for  
 321 the child, the surname shall be entered in accordance with  
 322 subsection (3).

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

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

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

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

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

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

365 Section 5. Paragraph (b) of subsection (1) of section  
366 382.016, Florida Statutes, is amended to read:

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

373 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

374 (b) Upon written request and receipt of an affidavit, a  
375 notarized voluntary acknowledgment of paternity signed by the  
376 mother and father acknowledging the paternity of a registrant  
377 born out of wedlock, or a voluntary acknowledgment of paternity  
378 that is witnessed by two individuals and signed under penalty of  
379 perjury as specified by s. 92.525(2), together with sufficient  
380 information to identify the original certificate of live birth,  
381 the department shall prepare a new birth certificate, which  
382 shall bear the same file number as the original birth  
383 certificate. The names and identifying information of the  
384 parents shall be entered as of the date of the registrant's  
385 birth. The surname of the registrant may be changed from that  
386 shown on the original birth certificate at the request of the  
387 mother and father of the registrant, or the registrant if of  
388 legal age. If the mother and father marry each other at any time  
389 after the registrant's birth, the department shall, upon receipt  
390 of a marriage license that identifies the registrant, or upon  
391 the request of the mother and father or the registrant if the  
392 registrant is of legal age, and upon proof of the marriage,

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393 amend the certificate with regard to the parents' marital status  
394 as though the parents were married at the time of birth. The  
395 department shall substitute the new certificate of birth for the  
396 original certificate on file. All copies of the original  
397 certificate of live birth in the custody of a local registrar or  
398 other state custodian of vital records shall be forwarded to the  
399 State Registrar. Thereafter, when a certified copy of the  
400 certificate of birth or portion thereof is issued, it shall be a  
401 copy of the new certificate of birth or portion thereof, except  
402 when a court order requires issuance of a certified copy of the  
403 original certificate of birth. Except for a birth certificate on  
404 which a father is listed pursuant to an affidavit, a notarized  
405 voluntary acknowledgment of paternity signed by the mother and  
406 father acknowledging the paternity of a registrant born out of  
407 wedlock, or a voluntary acknowledgment of paternity that is  
408 witnessed by two individuals and signed under penalty of perjury  
409 as specified by s. 92.525(2), the department shall place the  
410 original certificate of birth and all papers pertaining thereto  
411 under seal, not to be broken except by order of a court of  
412 competent jurisdiction or as otherwise provided by law.

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

416 409.2558 Support distribution and disbursement.—

417 (3) ~~UNDISTRIBUTABLE COLLECTIONS.—~~

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

420 1. Apply the payment to any financial liability incurred

421 by the obligor as a result of a previous payment returned to the  
 422 department for insufficient funds; then

423 2. Apply the payment to any financial liability incurred  
 424 by the obligor as a result of an overpayment to the obligor that  
 425 the obligor has failed to return to the department after notice;  
 426 then

427 3. Apply the payment to any financial liability incurred  
 428 by the obligee as a result of an overpayment to the obligee that  
 429 the obligee has failed to return to the department after notice;  
 430 then

431 ~~4.1.~~ Apply the payment to any assigned arrears on the  
 432 obligee's case; then

433 ~~5.2.~~ Apply the payment to any administrative costs ordered  
 434 by the court pursuant to s. 409.2567 associated with the  
 435 obligee's case; then

436 ~~6.3.~~ When the obligor is subject to a valid order to  
 437 support another child in a case with a different obligee and the  
 438 obligation is being enforced by the department, the department  
 439 shall send by certified mail, restricted delivery, return  
 440 receipt requested, to the obligor at the most recent address  
 441 provided by the obligor to the tribunal that issued the order, a  
 442 notice stating the department's intention to apply the payment  
 443 pursuant to this subparagraph, and advising the obligor of the  
 444 right to contest the department's proposed action in the circuit  
 445 court by filing and serving a petition on the department within  
 446 30 days after the mailing of the notice. If the obligor does not  
 447 file and serve a petition within the 30 days after mailing of  
 448 the notice, or upon a disposition of the judicial action



449 favorable to the department, the department shall apply the  
 450 payment toward his or her other support obligation. If there is  
 451 more than one such other case, the department shall allocate the  
 452 remaining undistributable amount as specified by s.  
 453 61.1301(4)(c); then

454 ~~7.4.~~ Return the payment to the obligor; then

455 ~~8.5.~~ If the obligor cannot be located after diligent  
 456 efforts by the department, the federal share of the payment  
 457 shall be credited to the Federal Government and the state share  
 458 shall be transferred to the General Revenue Fund.

459 Section 7. Effective July 1, 2010, paragraph (d) is added  
 460 to subsection (3) of section 409.2558, Florida Statutes, to  
 461 read:

462 409.2558 Support distribution and disbursement.—

463 (3) UNDISTRIBUTABLE COLLECTIONS.—

464 (d) If a payment of less than \$1 is made by a paper check  
 465 on an open Title IV-D case and the payment is not cashed after  
 466 180 days, or less than \$1 is owed on a closed Title IV-D case,  
 467 the department shall declare the payment as program income,  
 468 crediting the federal share of the payment to the Federal  
 469 Government and the state share of the payment to the General  
 470 Revenue Fund, without attempting to locate either party.

471 Section 8. Section 409.256, Florida Statutes, is amended  
 472 to read:

473 409.256 Administrative proceeding to establish paternity  
 474 or paternity and child support; order to appear for genetic  
 475 testing.—

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

477 (a) "Another state" or "other state" means a state of the  
 478 United States, the District of Columbia, Puerto Rico, the United  
 479 States Virgin Islands, or any territory or insular possession  
 480 subject to the jurisdiction of the United States. The term  
 481 includes:

482 1. An Indian tribe.

483 2. A foreign jurisdiction that has enacted a law or  
 484 established procedures for issuance and enforcement of support  
 485 orders which are substantially similar to the procedures under  
 486 this act, the Uniform Reciprocal Enforcement of Support Act, or  
 487 the Revised Uniform Reciprocal Enforcement of Support Act, as  
 488 determined by the Attorney General.

489 (b) "Caregiver ~~Custodian~~" means a person, other than the  
 490 mother, father, or a putative father, who has physical custody  
 491 of a child or with whom the child primarily resides. References  
 492 in this section to the obligation of a caregiver ~~custodian~~ to  
 493 submit to genetic testing mean that the caregiver ~~custodian~~ is  
 494 obligated to submit the child for genetic testing, not that the  
 495 caregiver ~~custodian~~ must submit to genetic testing.

496 (c) "Filed" means a document has been received and  
 497 accepted for filing at the offices of the department ~~of Revenue~~  
 498 by the clerk or an authorized deputy clerk designated by the  
 499 department.

500 (d) "Genetic testing" means a scientific analysis of  
 501 genetic markers that is performed by a qualified technical  
 502 laboratory only to exclude an individual as the parent of a  
 503 child or to show a probability of paternity.

504 (e) "Paternity and child support proceeding" means an

505 administrative action commenced by the department ~~of Revenue~~ to  
 506 order genetic testing, establish paternity, and establish an  
 507 administrative support order pursuant to this section.

508 (f) "Paternity proceeding" means an administrative action  
 509 commenced by the department ~~of Revenue~~ to order genetic testing  
 510 and establish paternity pursuant to this section.

511 (g) "Putative father" means an individual who is or may be  
 512 the biological father of a child whose paternity has not been  
 513 established and whose mother was unmarried when the child was  
 514 conceived and born.

515 (h) "Qualified technical laboratory" means a genetic-  
 516 testing laboratory that may be under contract with the  
 517 department ~~of Revenue~~, that uses tests and methods of a type  
 518 generally acknowledged as reliable by accreditation  
 519 organizations recognized by the United States Department of  
 520 Health and Human Services, and that is approved by such an  
 521 accreditation organization. The term includes a genetic-testing  
 522 laboratory used by another state, if the laboratory has  
 523 comparable qualifications.

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

528 (j) "Respondent" means the person or persons served by the  
 529 department ~~of Revenue~~ with a notice of proceeding pursuant to  
 530 subsection (4). The term includes the putative father and may  
 531 include the mother or the caregiver ~~custodian~~ of the child.

532 (k) "This state" or "the state" means the State of

533 Florida.

534 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO  
535 THE COURTS.—

536 (a) The department ~~of Revenue~~ may commence a paternity  
537 proceeding or a paternity and child support proceeding as  
538 provided in subsection (4) if:

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

540 2. No one is named as the father on the child's birth  
541 certificate or the person named as the father is the putative  
542 father named in an affidavit or a written declaration as  
543 provided in subparagraph 5.

544 3. The child's mother was unmarried when the child was  
545 conceived and born.

546 4. The department ~~of Revenue~~ is providing services under  
547 Title IV-D.

548 5. The child's mother or caregiver or a putative father  
549 has stated in an affidavit, or in a written declaration as  
550 provided in s. 92.525(2) that the putative father is or may be  
551 the child's biological father. The affidavit or written  
552 declaration must set forth the factual basis for the allegation  
553 of paternity as provided in s. 742.12(2).

554 (b) If the department ~~of Revenue~~ receives a request from  
555 another state to assist in the establishment of paternity, the  
556 department may serve an order to appear for genetic testing on a  
557 person who resides in this state and transmit the test results  
558 to the other state without commencing a paternity proceeding in  
559 this state.

560 (c) The department ~~of Revenue~~ may use the procedures

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561 authorized by this section against a nonresident over whom this  
562 state may assert personal jurisdiction under chapter 48 or  
563 chapter 88.

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

573 (e) Whenever practicable, hearings held by the Division of  
574 Administrative Hearings pursuant to this section shall be held  
575 in the judicial circuit where the person receiving services  
576 under Title IV-D resides or, if the person receiving services  
577 under Title IV-D does not reside in this state, in the judicial  
578 circuit where the respondent resides. If the department ~~of~~  
579 ~~Revenue~~ and the respondent agree, the hearing may be held in  
580 another location. If ordered by the administrative law judge,  
581 the hearing may be conducted telephonically or by  
582 videoconference.

583 (f) The Legislature does not intend to limit the  
584 jurisdiction of the circuit courts to hear and determine issues  
585 regarding establishment of paternity. This section is intended  
586 to provide the department ~~of Revenue~~ with an alternative  
587 procedure for establishing paternity and child support  
588 obligations in Title IV-D cases. This section does not prohibit

589 a person who has standing from filing a civil action in circuit  
 590 court for a determination of paternity or of child support  
 591 obligations.

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

594 (3) MULTIPLE PUTATIVE FATHERS; MULTIPLE CHILDREN.—If more  
 595 than one putative father has been named, the department ~~of~~  
 596 ~~Revenue~~ may proceed under this section against a single putative  
 597 father or may proceed simultaneously against more than one  
 598 putative father. If a putative father has been named as a  
 599 possible father of more than one child born to the same mother,  
 600 the department may proceed to establish the paternity of each  
 601 child in the same proceeding.

602 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR  
 603 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC  
 604 TESTING; MANNER OF SERVICE; CONTENTS.—The department ~~of Revenue~~  
 605 shall commence a proceeding to determine paternity, or a  
 606 proceeding to determine both paternity and child support, by  
 607 serving the respondent with a notice as provided in this  
 608 section. An order to appear for genetic testing may be served at  
 609 the same time as a notice of the proceeding or may be served  
 610 separately. A copy of the affidavit or written declaration upon  
 611 which the proceeding is based shall be provided to the  
 612 respondent when notice is served. A notice or order to appear  
 613 for genetic testing shall be served by certified mail,  
 614 restricted delivery, return receipt requested, or in accordance  
 615 with the requirements for service of process in a civil action.  
 616 Service by certified mail is completed when the certified mail

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617 is received or refused by the addressee or by an authorized  
618 agent as designated by the addressee in writing. If a person  
619 other than the addressee signs the return receipt, the  
620 department shall attempt to reach the addressee by telephone to  
621 confirm whether the notice was received, and the department  
622 shall document any telephonic communications. If someone other  
623 than the addressee signs the return receipt, the addressee does  
624 not respond to the notice, and the department is unable to  
625 confirm that the addressee has received the notice, service is  
626 not completed and the department shall attempt to have the  
627 addressee served personally. For purposes of this section, an  
628 employee or an authorized agent of the department may serve the  
629 notice or order to appear for genetic testing and execute an  
630 affidavit of service. The department may serve an order to  
631 appear for genetic testing on a caregiver ~~eustodian~~. The  
632 department shall provide a copy of the notice or order to appear  
633 by regular mail to the mother and caregiver ~~eustodian~~, if they  
634 are not respondents.

635 (a) A notice of proceeding to establish paternity must  
636 state:

637 1. That the department has commenced an administrative  
638 proceeding to establish whether the putative father is the  
639 biological father of the child named in the notice.

640 2. The name and date of birth of the child and the name of  
641 the child's mother.

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

645 4. That the respondent is required to submit to genetic  
646 testing.

647 5. That genetic testing will establish either a high  
648 degree of probability that the putative father is the biological  
649 father of the child or that the putative father cannot be the  
650 biological father of the child.

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

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

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

660 b. Commence a proceeding, as provided in s. 409.2563, to  
661 establish an administrative support order for the child. Notice  
662 of the proceeding shall be provided to the respondent by regular  
663 mail.

664 8. That, if the genetic test results indicate a  
665 statistical probability of paternity that equals or exceeds 99  
666 percent and a proceeding to establish an administrative support  
667 order is commenced, the department shall issue a proposed order  
668 that addresses paternity and child support. The respondent may  
669 consent to or contest the proposed order at an administrative  
670 hearing.

671 9. That if a proposed order of paternity or proposed order  
672 of both paternity and child support is not contested, the



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673 department shall adopt the proposed order and render a final  
674 order that establishes paternity and, if appropriate, an  
675 administrative support order for the child.

676 10. That, until the proceeding is ended, the respondent  
677 shall notify the department in writing of any change in the  
678 respondent's mailing address and that the respondent shall be  
679 deemed to have received any subsequent order, notice, or other  
680 paper mailed to the most recent address provided or, if a more  
681 recent address is not provided, to the address at which the  
682 respondent was served, and that this requirement continues if  
683 the department renders a final order that establishes paternity  
684 and a support order for the child.

685 11. That the respondent may file an action in circuit  
686 court for a determination of paternity, child support  
687 obligations, or both.

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

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

696

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

699 (b) A notice of proceeding to establish paternity and  
700 child support must state the requirements of paragraph (a),

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701 except for subparagraph (a)7., and must state the requirements  
702 of s. 409.2563(4), to the extent that the requirements of s.  
703 409.2563(4) are not already required by and do not conflict with  
704 this subsection. This section and s. 409.2563 apply to a  
705 proceeding commenced under this subsection.

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

708 1. That the department has commenced an administrative  
709 proceeding to establish whether the putative father is the  
710 biological father of the child.

711 2. The name and date of birth of the child and the name of  
712 the child's mother.

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

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

718 5. That if the person has custody of the child whose  
719 paternity is the subject of the proceeding, the person must  
720 submit the child for genetic testing.

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

727 7. That if the person ordered to appear submits to genetic  
728 testing, the department shall pay the cost of the genetic

729 testing and shall provide the person ordered to appear with a  
 730 copy of any test results obtained.

731 8. That if the person ordered to appear does not appear as  
 732 ordered or refuses to submit to genetic testing without good  
 733 cause, the department may take one or more of the following  
 734 actions:

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

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

740 c. File a petition in circuit court to establish paternity  
 741 and obtain a support order for the child and an order for costs  
 742 against the person ordered to appear, including costs for  
 743 genetic testing.

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

748 (d) If the putative father is incarcerated, the  
 749 correctional facility shall assist the putative father in  
 750 complying with an administrative order to appear for genetic  
 751 testing issued under this section.

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

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

755 (a) The person ordered to appear may contest an order to  
 756 appear for genetic testing by filing a written request for

757 informal review with the department ~~of Revenue~~ within 15 days  
758 after the date of service of the order. The purpose of the  
759 informal review is to provide the person ordered to appear with  
760 an opportunity to discuss the proceedings and the basis of the  
761 order. At the conclusion of the informal review, the department  
762 shall notify the person ordered to appear, in writing, whether  
763 it intends to proceed with the order to appear. If the  
764 department notifies the person ordered to appear of its intent  
765 to proceed, the notice must inform the person ordered to appear  
766 of the right to contest the order at an administrative hearing.

767 (b) Following an informal review, within 15 days after the  
768 mailing date of the department's ~~Department of Revenue's~~  
769 notification that the department shall proceed with an order to  
770 appear for genetic testing, the person ordered to appear may  
771 file a request for an administrative hearing to contest whether  
772 the person should be required to submit to genetic testing. A  
773 request for an administrative hearing must state the specific  
774 reasons why the person ordered to appear believes he or she  
775 should not be required to submit to genetic testing as ordered.  
776 If the person ordered to appear files a timely request for a  
777 hearing, the department shall refer the hearing request to the  
778 Division of Administrative Hearings. Unless otherwise provided  
779 in this section, administrative hearings are governed by chapter  
780 120 and the uniform rules of procedure. The administrative law  
781 judge assigned to the case shall issue an order as to whether  
782 the person must submit to genetic testing in accordance with the  
783 order to appear. The department or the person ordered to appear  
784 may seek immediate judicial review under s. 120.68 of an order

785 issued by an administrative law judge pursuant to this  
 786 paragraph.

787 (c) If a timely request for an informal review or an  
 788 administrative hearing is filed, the department may not proceed  
 789 under the order to appear for genetic testing and may not impose  
 790 sanctions for failure or refusal to submit to genetic testing  
 791 until:

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

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

797 3. The Division of Administrative Hearings issues an order  
 798 that the person must submit to genetic testing, or issues an  
 799 order closing the division's file, and that an order has become  
 800 final.

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

805 (6) SCHEDULING OF GENETIC TESTING.—

806 (a) The department ~~of Revenue~~ shall notify, in writing,  
 807 the person ordered to appear of the date, time, and location of  
 808 the appointment for genetic testing and of the requirement to  
 809 verify his or her identity and the identity of the child, if  
 810 applicable, when the samples are provided by presenting a form  
 811 of identification as prescribed in s. 117.05(5)(b)2. that bears  
 812 the photograph of the person who is providing the sample or

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813 other form of verification approved by the department. If the  
814 person ordered to appear is the putative father or the mother,  
815 that person shall appear and submit to genetic testing. If the  
816 person ordered to appear is a caregiver ~~eustodian~~, or if the  
817 putative father or the mother has physical custody of the child,  
818 that person must submit the child for genetic testing.

819 (b) The department shall reschedule genetic testing:

820 1. One time without cause if, in advance of the initial  
821 test date, the person ordered to appear requests the department  
822 to reschedule the test.

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

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

828

829 A claim of good cause for failure to appear shall be filed with  
830 the department within 10 days after the scheduled test date and  
831 must state the facts and circumstances supporting the claim. The  
832 department shall notify the person ordered to appear, in  
833 writing, whether it accepts or rejects the person's claim of  
834 good cause. There is not a separate right to a hearing on the  
835 department's decision to accept or reject the claim of good  
836 cause because the person ordered to appear may raise good cause  
837 as a defense to any proceeding initiated by the department under  
838 subsection (7).

839 (c) A person ordered to appear may obtain a second genetic  
840 test by filing a written request for a second test with the

841 department within 15 days after the date of mailing of the  
 842 initial genetic testing results and by paying the department in  
 843 advance for the full cost of the second test.

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

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

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

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

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

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

864  
 865 As provided in s. 322.058(2), a suspended driver's license and  
 866 motor vehicle registration may be reinstated when the person  
 867 ordered to appear complies with the order to appear for genetic  
 868 testing. The department may collect an administrative fine

869 imposed under this subsection by using civil remedies or other  
 870 statutory means available to the department for collecting  
 871 support.

872 (8) GENETIC-TESTING RESULTS.—The department shall send a  
 873 copy of the genetic-testing results to the putative father, to  
 874 the mother, to the caregiver ~~custodian~~, and to the other state,  
 875 if applicable. If the genetic-testing results, including second  
 876 or subsequent genetic-testing results, do not indicate a  
 877 statistical probability of paternity that equals or exceeds 99  
 878 percent, the paternity proceeding in connection with that child  
 879 shall cease.

880 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF  
 881 PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED  
 882 ORDER OF PATERNITY AND CHILD SUPPORT.—

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

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

889 2. If appropriate, delay issuing a proposed order of  
 890 paternity and commence, by regular mail, an administrative  
 891 proceeding to establish a support order for the child pursuant  
 892 to s. 409.2563 and issue a single proposed order that addresses  
 893 paternity and child support.

894 (b) A proposed order of paternity must:

- 895 1. State proposed findings of fact and conclusions of law.
- 896 2. Include a copy of the results of genetic testing.



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897 3. Include notice of the respondent's right to informal  
898 review and to contest the proposed order of paternity at an  
899 administrative hearing.

900 (c) If a paternity and child support proceeding has been  
901 commenced under this section and the results of genetic testing  
902 indicate a statistical probability of paternity that equals or  
903 exceeds 99 percent, the department ~~of Revenue~~ may issue a single  
904 proposed order that addresses paternity as provided in this  
905 section and child support as provided in s. 409.2563.

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

910 (10) INFORMAL REVIEW; ADMINISTRATIVE HEARING; PRESUMPTION  
911 OF PATERNITY.—

912 (a) Within 10 days after the date of mailing or other  
913 service of a proposed order of paternity, the respondent may  
914 contact a representative of the department ~~of Revenue~~ at the  
915 address or telephone number provided to request an informal  
916 review of the proposed order. If an informal review is timely  
917 requested, the time for requesting a hearing is extended until  
918 10 days after the department mails notice to the respondent that  
919 the informal review has been concluded.

920 (b) Within 20 days after the mailing date of the proposed  
921 order or within 10 days after the mailing date of notice that an  
922 informal review has been concluded, whichever is later, the  
923 respondent may request an administrative hearing by filing a  
924 written request for a hearing with the department ~~of Revenue~~. A

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925 request for a hearing must state the specific objections to the  
926 proposed order, the specific objections to the genetic testing  
927 results, or both. A respondent who fails to file a timely  
928 request for a hearing is deemed to have waived the right to a  
929 hearing.

930 (c) If the respondent files a timely request for a  
931 hearing, the department ~~of Revenue~~ shall refer the hearing  
932 request to the Division of Administrative Hearings. Unless  
933 otherwise provided in this section or in s. 409.2563, chapter  
934 120 and the uniform rules of procedure govern the conduct of the  
935 proceedings.

936 (d) The genetic-testing results shall be admitted into  
937 evidence and made a part of the hearing record. For purposes of  
938 this section, a statistical probability of paternity that equals  
939 or exceeds 99 percent creates a presumption, as defined in s.  
940 90.304, that the putative father is the biological father of the  
941 child. The presumption may be overcome only by clear and  
942 convincing evidence. The respondent or the department ~~of Revenue~~  
943 may call an expert witness to refute or support the testing  
944 procedure or results or the mathematical theory on which they  
945 are based. Verified documentation of the chain of custody of the  
946 samples tested is competent evidence to establish the chain of  
947 custody.

948 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND  
949 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL  
950 STATISTICS.—

951 (a) If a hearing is held, the administrative law judge of  
952 the Division of Administrative Hearings shall issue a final

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953 order that adjudicates paternity or, if appropriate, paternity  
954 and child support. A final order of the administrative law judge  
955 constitutes final agency action by the department ~~of Revenue~~.  
956 The Division of Administrative Hearings shall transmit any such  
957 order to the department for filing and rendering.

958 (b) If the respondent does not file a timely request for a  
959 hearing or consents in writing to entry of a final order without  
960 a hearing, the department ~~of Revenue~~ may render a final order of  
961 paternity or a final order of paternity and child support, as  
962 appropriate.

963 (c) The department ~~of Revenue~~ shall mail a copy of the  
964 final order to the putative father, the mother, and the  
965 caregiver custodian, if any. The department shall notify the  
966 respondent of the right to seek judicial review of a final order  
967 in accordance with s. 120.68.

968 (d) Upon rendering a final order of paternity or a final  
969 order of paternity and child support, the department ~~of Revenue~~  
970 shall notify the Division of Vital Statistics of the Department  
971 of Health that the paternity of the child has been established.

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

975 (f) The provisions of s. 409.2563 that apply to a final  
976 administrative support order rendered under that section apply  
977 to a final order rendered under this section when a child  
978 support obligation is established.

979 (12) RIGHT TO JUDICIAL REVIEW.—A respondent has the right  
980 to seek judicial review, in accordance with s. 120.68, of a

981 final order rendered under subsection (11) and an order issued  
 982 under paragraph (5) (b). The department ~~of Revenue~~ has the right  
 983 to seek judicial review, in accordance with s. 120.68, of a  
 984 final order issued by an administrative law judge under  
 985 subsection (11) and an order issued by an administrative law  
 986 judge under paragraph (5) (b).

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

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

1000 (15) GENDER NEUTRAL.—This section shall be construed  
 1001 impartially, regardless of a person's gender, and applies with  
 1002 equal force to the mother of a child whose paternity has not  
 1003 been established and is not presumed by law.

1004 (16) REMEDIES SUPPLEMENTAL.—The remedies provided in this  
 1005 section are supplemental and in addition to other remedies  
 1006 available to the department for the establishment of paternity  
 1007 and child support obligations.

1008 (17) RULEMAKING AUTHORITY.—The department may adopt rules

1009 to implement this section.

1010 Section 9. Paragraph (b) of subsection (1), paragraph (d)  
 1011 of subsection (2), subsection (4), paragraphs (a) and (b) of  
 1012 subsection (5), paragraphs (d) and (e) of subsection (7), and  
 1013 subsection (13) of section 409.2563, Florida Statutes, are  
 1014 amended to read:

1015 409.2563 Administrative establishment of child support  
 1016 obligations.—

1017 (1) DEFINITIONS.—As used in this section, the term:

1018 (b) "Caregiver" means a person other than the mother,  
 1019 father, or putative father who has physical custody of a child  
 1020 or with whom the child primarily resides. "Caretaker relative"  
 1021 ~~has the same meaning ascribed in s. 414.0252(11).~~

1022  
 1023 Other terms used in this section have the meanings ascribed in  
 1024 ss. 61.046 and 409.2554.

1025 (2) PURPOSE AND SCOPE.—

1026 (d) Either parent, or a caregiver ~~caretaker relative~~ if  
 1027 applicable, may at any time file a civil action in a circuit  
 1028 court having jurisdiction and proper venue to determine parental  
 1029 support obligations, if any. A support order issued by a circuit  
 1030 court prospectively supersedes an administrative support order  
 1031 rendered by the department.

1032 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE  
 1033 SUPPORT ORDER.—To commence a proceeding under this section, the  
 1034 department shall provide to the parent from whom support is not  
 1035 being sought and serve the parent from whom support is being  
 1036 sought with a notice of proceeding to establish administrative

1037 support order and a blank financial affidavit form. The notice  
 1038 must state:

1039 (a) The names of both parents, the name of the caregiver  
 1040 ~~caretaker relative~~, if any, and the name and date of birth of  
 1041 the child or children;

1042 (b) That the department intends to establish an  
 1043 administrative support order as defined in this section;

1044 (c) That both parents must submit a completed financial  
 1045 affidavit to the department within 20 days after receiving the  
 1046 notice, as provided by paragraph (13) (a);

1047 (d) That both parents, or a parent and the caregiver  
 1048 ~~caretaker relative~~ if applicable, are required to furnish to the  
 1049 department information regarding their identities and locations,  
 1050 as provided by paragraph (13) (b);

1051 (e) That both parents, or a parent and the caregiver  
 1052 ~~caretaker relative~~ if applicable, are required to promptly  
 1053 notify the department of any change in their mailing addresses  
 1054 to ensure receipt of all subsequent pleadings, notices, and  
 1055 orders, as provided by paragraph (13) (c);

1056 (f) That the department will calculate support obligations  
 1057 based on the child support guidelines schedule in s. 61.30 and  
 1058 using all available information, as provided by paragraph  
 1059 (5) (a), and will incorporate such obligations into a proposed  
 1060 administrative support order;

1061 (g) That the department will send by regular mail to both  
 1062 parents, or to a parent and the caregiver ~~caretaker relative~~ if  
 1063 applicable, a copy of the proposed administrative support order,  
 1064 the department's child support worksheet, and any financial

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1065 affidavits submitted by a parent or prepared by the department;  
 1066 (h) That the parent from whom support is being sought may  
 1067 file a request for a hearing in writing within 20 days after the  
 1068 date of mailing or other service of the proposed administrative  
 1069 support order or will be deemed to have waived the right to  
 1070 request a hearing;  
 1071 (i) That if the parent from whom support is being sought  
 1072 does not file a timely request for hearing after service of the  
 1073 proposed administrative support order, the department will issue  
 1074 an administrative support order that incorporates the findings  
 1075 of the proposed administrative support order, and will send by  
 1076 regular mail a copy of the administrative support order to both  
 1077 parents, or a parent and the caregiver ~~caretaker~~ ~~relative~~ if  
 1078 applicable;  
 1079 (j) That after an administrative support order is  
 1080 rendered, the department will file a copy of the order with the  
 1081 clerk of the circuit court;  
 1082 (k) That after an administrative support order is  
 1083 rendered, the department may enforce the administrative support  
 1084 order by any lawful means;  
 1085 (l) That either parent, or the caregiver ~~caretaker~~  
 1086 ~~relative~~ if applicable, may file at any time a civil action in a  
 1087 circuit court having jurisdiction and proper venue to determine  
 1088 parental support obligations, if any, and that a support order  
 1089 issued by a circuit court supersedes an administrative support  
 1090 order rendered by the department;  
 1091 (m) That, neither the department nor the Division of  
 1092 Administrative Hearings has jurisdiction to award or change

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1093 child custody or rights of parental contact or time-sharing and  
1094 these issues may only be addressed in circuit court.

1095 1. The parent from whom support is being sought may  
1096 request in writing that the department proceed in circuit court  
1097 to determine his or her support obligations.

1098 2. The parent from whom support is being sought may state  
1099 in writing to the department his or her intention to address  
1100 issues concerning custody or rights to parental contact in  
1101 circuit court.

1102 3. If the parent from whom support is being sought submits  
1103 the request authorized in subparagraph 1., or the statement  
1104 authorized in subparagraph 2. to the department within 20 days  
1105 after the receipt of the initial notice, the department shall  
1106 file a petition in circuit court for the determination of the  
1107 parent's child support obligations, and shall send to the parent  
1108 from whom support is being sought a copy of its petition, a  
1109 notice of commencement of action, and a request for waiver of  
1110 service of process as provided in the Florida Rules of Civil  
1111 Procedure.

1112 4. If, within 10 days after receipt of the department's  
1113 petition and waiver of service, the parent from whom support is  
1114 being sought signs and returns the waiver of service form to the  
1115 department, the department shall terminate the administrative  
1116 proceeding without prejudice and proceed in circuit court.

1117 5. In any circuit court action filed by the department  
1118 pursuant to this paragraph or filed by a parent from whom  
1119 support is being sought or other person pursuant to paragraph  
1120 (l) or paragraph (n), the department shall be a party only with



1121 | respect to those issues of support allowed and reimbursable  
 1122 | under Title IV-D of the Social Security Act. It is the  
 1123 | responsibility of the parent from whom support is being sought  
 1124 | or other person to take the necessary steps to present other  
 1125 | issues for the court to consider.

1126 |         (n) That if the parent from whom support is being sought  
 1127 | files an action in circuit court and serves the department with  
 1128 | a copy of the petition within 20 days after being served notice  
 1129 | under this subsection, the administrative process ends without  
 1130 | prejudice and the action must proceed in circuit court;

1131 |         (o) Information provided by the Office of State Courts  
 1132 | Administrator concerning the availability and location of self-  
 1133 | help programs for those who wish to file an action in circuit  
 1134 | court but who cannot afford an attorney.

1135 |  
 1136 | The department may serve the notice of proceeding to establish  
 1137 | administrative support order by certified mail, restricted  
 1138 | delivery, return receipt requested. Alternatively, the  
 1139 | department may serve the notice by any means permitted for  
 1140 | service of process in a civil action. For purposes of this  
 1141 | section, an authorized employee of the department may serve the  
 1142 | notice and execute an affidavit of service. Service by certified  
 1143 | mail is completed when the certified mail is received or refused  
 1144 | by the addressee or by an authorized agent as designated by the  
 1145 | addressee in writing. If a person other than the addressee signs  
 1146 | the return receipt, the department shall attempt to reach the  
 1147 | addressee by telephone to confirm whether the notice was  
 1148 | received, and the department shall document any telephonic

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1149 | communications. If someone other than the addressee signs the  
1150 | return receipt, the addressee does not respond to the notice,  
1151 | and the department is unable to confirm that the addressee has  
1152 | received the notice, service is not completed and the department  
1153 | shall attempt to have the addressee served personally. The  
1154 | department shall provide the parent from whom support is not  
1155 | being sought or the caregiver ~~caretaker~~ relative with a copy of  
1156 | the notice by regular mail to the last known address of the  
1157 | parent from whom support is not being sought or the caregiver  
1158 | ~~caretaker~~.

1159 | (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

1160 | (a) After serving notice upon a parent in accordance with  
1161 | subsection (4), the department shall calculate that parent's  
1162 | child support obligation under the child support guidelines  
1163 | schedule as provided by s. 61.30, based on any timely financial  
1164 | affidavits received and other information available to the  
1165 | department. If either parent fails to comply with the  
1166 | requirement to furnish a financial affidavit, the department may  
1167 | proceed on the basis of information available from any source,  
1168 | if such information is sufficiently reliable and detailed to  
1169 | allow calculation of guideline schedule amounts under s. 61.30.  
1170 | If a parent receives public assistance and fails to submit a  
1171 | financial affidavit, the department may submit a financial  
1172 | affidavit or written declaration for that parent pursuant to s.  
1173 | 61.30(15). If there is a lack of sufficient reliable information  
1174 | concerning a parent's actual earnings for a current or past  
1175 | period, it shall be presumed for the purpose of establishing a  
1176 | support obligation that the parent had an earning capacity equal

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1177 to the federal minimum wage during the applicable period.

1178 (b) The department shall send by regular mail to both  
 1179 parents, or to a parent and the caregiver ~~caretaker~~ ~~relative~~ if  
 1180 applicable, copies of the proposed administrative support order,  
 1181 its completed child support worksheet, and any financial  
 1182 affidavits submitted by a parent or prepared by the department.  
 1183 The proposed administrative support order must contain the same  
 1184 elements as required for an administrative support order under  
 1185 paragraph (7) (e).

1186 (7) ADMINISTRATIVE SUPPORT ORDER.—

1187 (d) The department shall send by regular mail a copy of  
 1188 the administrative support order, or the final order denying an  
 1189 administrative support order, to both parents, or a parent and  
 1190 the caregiver ~~caretaker~~ ~~relative~~ if applicable. The parent from  
 1191 whom support is being sought shall be notified of the right to  
 1192 seek judicial review of the administrative support order in  
 1193 accordance with s. 120.68.

1194 (e) An administrative support order must comply with ss.  
 1195 61.13(1) and 61.30. The department shall develop a standard form  
 1196 or forms for administrative support orders. An administrative  
 1197 support order must provide and state findings, if applicable,  
 1198 concerning:

- 1199 1. The full name and date of birth of the child or  
 1200 children;
- 1201 2. The name of the parent from whom support is being  
 1202 sought and the other parent or the caregiver ~~caretaker~~ ~~relative~~;
- 1203 3. The parent's duty and ability to provide support;
- 1204 4. The amount of the parent's monthly support obligation;

- 1205           5. Any obligation to pay retroactive support;
- 1206           6. The parent's obligation to provide for the health care  
1207 needs of each child, whether through health insurance,  
1208 contribution towards the cost of health insurance, payment or  
1209 reimbursement of health care expenses for the child, or any  
1210 combination thereof;
- 1211           7. The beginning date of any required monthly payments and  
1212 health insurance;
- 1213           8. That all support payments ordered must be paid to the  
1214 Florida State Disbursement Unit as provided by s. 61.1824;
- 1215           9. That the parents, or the caregiver ~~caretaker~~ ~~relative~~  
1216 if applicable, must file with the department when the  
1217 administrative support order is rendered, if they have not  
1218 already done so, and update as appropriate the information  
1219 required pursuant to paragraph (13) (b);
- 1220           10. That both parents, or a parent and the caregiver  
1221 ~~caretaker~~ ~~relative~~ if applicable, are required to promptly  
1222 notify the department of any change in their mailing addresses  
1223 pursuant to paragraph (13) (c); and
- 1224           11. That if the parent ordered to pay support receives  
1225 unemployment compensation benefits, the payor shall withhold,  
1226 and transmit to the department, 40 percent of the benefits for  
1227 payment of support, not to exceed the amount owed.
- 1228
- 1229 An income deduction order as provided by s. 61.1301 must be  
1230 incorporated into the administrative support order or, if not  
1231 incorporated into the administrative support order, the  
1232 department or the Division of Administrative Hearings shall

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1233 render a separate income deduction order.

1234 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO  
 1235 ADDRESS OF RECORD.—In all proceedings pursuant to this section:

1236 (a) Each parent must execute and furnish to the  
 1237 department, no later than 20 days after receipt of the notice of  
 1238 proceeding to establish administrative support order, a  
 1239 financial affidavit in the form prescribed by the department. An  
 1240 updated financial affidavit must be executed and furnished to  
 1241 the department at the inception of each proceeding to modify an  
 1242 administrative support order. A caregiver is ~~Caretaker relatives~~  
 1243 ~~are~~ not required to furnish a financial affidavit ~~affidavits~~.

1244 (b) Each parent and the caregiver ~~caretaker relative~~ if  
 1245 applicable, shall disclose to the department, no later than 20  
 1246 days after receipt of the notice of proceeding to establish  
 1247 administrative support order, and update as appropriate,  
 1248 information regarding his or her identity and location,  
 1249 including names he or she is known by; social security number;  
 1250 residential and mailing addresses; telephone numbers; driver's  
 1251 license numbers; and names, addresses, and telephone numbers of  
 1252 employers. Pursuant to the federal Personal Responsibility and  
 1253 Work Opportunity Reconciliation Act of 1996, each person must  
 1254 provide his or her social security number in accordance with  
 1255 this section. Disclosure of social security numbers obtained  
 1256 through this requirement shall be limited to the purpose of  
 1257 administration of the Title IV-D program for child support  
 1258 enforcement.

1259 (c) Each parent and the caregiver ~~caretaker relative~~, if  
 1260 applicable, has a continuing obligation to promptly inform the

1261 department in writing of any change in his or her mailing  
 1262 address to ensure receipt of all subsequent pleadings, notices,  
 1263 payments, statements, and orders, and receipt is presumed if  
 1264 sent by regular mail to the most recent address furnished by the  
 1265 person.

1266 Section 10. Effective October 1, 2010, subsection (7) of  
 1267 section 409.25635, Florida Statutes, is amended to read:

1268 409.25635 Determination and collection of noncovered  
 1269 medical expenses.—

1270 (7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.—Any  
 1271 administrative remedy available for collection of support may be  
 1272 used to collect noncovered medical expenses that are determined  
 1273 or established under this section. The department may collect  
 1274 noncovered medical expenses in installments by adding a periodic  
 1275 payment to an income deduction notice issued by the department.

1276 Section 11. Effective November 1, 2010, subsections (4),  
 1277 (5), (7), (8), (9), and (11) of section 409.2564, Florida  
 1278 Statutes, are amended to read:

1279 409.2564 Actions for support.—

1280 (4) Whenever the Department of Revenue has undertaken an  
 1281 action for enforcement of support, the Department of Revenue may  
 1282 enter into an agreement with the obligor for the entry of a  
 1283 judgment determining paternity, if applicable, and for periodic  
 1284 child support payments based on the child support guidelines  
 1285 schedule in s. 61.30. Prior to entering into this agreement, the  
 1286 obligor shall be informed that a judgment will be entered based  
 1287 on the agreement. The clerk of the court shall file the  
 1288 agreement without the payment of any fees or charges, and the

1289 court, upon entry of the judgment, shall forward a copy of the  
 1290 judgment to the parties to the action. ~~To encourage out-of-court~~  
 1291 ~~settlement and promote support order compliance, if the obligor~~  
 1292 ~~and the Department of Revenue agree on entry of a support order~~  
 1293 ~~and its terms, the guideline amount owed for retroactive support~~  
 1294 ~~that is permanently assigned to the state shall be reduced by 25~~  
 1295 ~~percent.~~

1296 (5) Whenever the department ~~IV-D agency~~ has undertaken an  
 1297 action to determine paternity, to establish an obligation of  
 1298 support, or to enforce or modify an obligation of support, the  
 1299 department ~~IV-D agency~~ shall be a party to the action only for  
 1300 those purposes allowed under Title IV-D of the Social Security  
 1301 Act. The program attorney shall be the attorney of record solely  
 1302 for the purposes of support enforcement as authorized under  
 1303 Title IV-D and may prosecute only those activities which are  
 1304 eligible for federal financial participation under Title IV-D.  
 1305 An attorney-client relationship exists only between the  
 1306 department and the legal services providers in all Title IV-D  
 1307 cases. The attorney shall advise the obligee in Title IV-D cases  
 1308 that the attorney represents the agency and not the obligee.

1309 (7) The director of the department ~~Title IV-D agency~~, or  
 1310 the director's designee, is authorized to subpoena from any  
 1311 person financial and other information necessary to establish,  
 1312 modify, or enforce a child support order.

1313 (a) For the purpose of establishing or modifying a child  
 1314 support order, or enforcing a support order, the director of the  
 1315 department ~~this~~ or another state's Title IV-D agency, or any  
 1316 employee designated by the director of the department ~~this~~

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1317 ~~state's Title IV-D agency~~ or authorized under another state's  
1318 law, may administer oaths or affirmations, subpoena witnesses  
1319 and compel their attendance, take evidence and require the  
1320 production of any matter which is relevant to the support  
1321 action, including the existence, description, nature, custody,  
1322 condition, and location of any books, documents, or other  
1323 tangible things and the identity and location of persons having  
1324 knowledge of relevant facts or any other matter reasonably  
1325 calculated to lead to the discovery of material evidence.

1326 (b) Subpoenas issued by the department ~~this~~ or another ~~any~~  
1327 ~~other~~ state's Title IV-D agency may be challenged in accordance  
1328 with s. 120.569(2)(k)1. While a subpoena is being challenged,  
1329 the department ~~Title IV-D agency~~ may not impose a fine as  
1330 provided for under paragraph (c) until the challenge is complete  
1331 and the subpoena has been found to be valid.

1332 (c) The department ~~Title IV-D agency~~ is authorized to  
1333 impose a fine for failure to comply with a subpoena. Failure to  
1334 comply with the subpoena, or to challenge the subpoena as  
1335 provided in paragraph (b), within 15 days after service of the  
1336 subpoena may result in the agency taking the following actions:

1337 1. Imposition of an administrative fine of not more than  
1338 \$500.

1339 2. Enforcement of the subpoena as provided in s.  
1340 120.569(2)(k)2. When the subpoena is enforced pursuant to s.  
1341 120.569(2)(k)2., the court may award costs and fees to the  
1342 prevailing party in accordance with that section.

1343 (d) The department ~~Title IV-D agency~~ may seek to collect  
1344 administrative fines imposed pursuant to paragraph (c) by filing



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1345 a petition in the circuit court of the judicial circuit in which  
1346 the person against whom the fine was imposed resides. All fines  
1347 collected pursuant to this subsection shall be deposited into  
1348 the Child Support Enforcement Application and Program Revenue  
1349 Trust Fund.

1350 (8) In cases in which support is subject to an assignment  
1351 as provided under 45 C.F.R. s. 301.1, the department ~~Title IV-D~~  
1352 ~~agency~~ shall, upon providing notice to the obligor and obligee,  
1353 direct the obligor or other payor to change the payee to the  
1354 appropriate depository.

1355 (9) (a) For the purpose of securing delinquent support, the  
1356 department ~~Title IV-D~~ ~~agency~~ may increase the amount of the  
1357 monthly support obligation to include amounts for delinquencies,  
1358 subject to such conditions or limitations as set forth in  
1359 paragraph (b).

1360 (b) In support obligations not subject to income  
1361 deduction, the department ~~Title IV-D~~ ~~agency~~ shall notify the  
1362 obligor of his or her delinquency and of the department's intent  
1363 to require an additional 20 percent of the monthly obligation  
1364 amount to allow for collection of the delinquency unless, within  
1365 20 days, the obligor:

- 1366 1. Pays the delinquency in full; or  
1367 2. Files a petition with the circuit court to contest the  
1368 delinquency action.

1369 (11) (a) The department ~~Title IV-D~~ ~~agency~~ shall review  
1370 child support orders in IV-D cases at least once every 3 years  
1371 when requested ~~upon request~~ by either party, or when support  
1372 rights are assigned ~~the agency in cases where there is an~~

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1373 ~~assignment of support~~ to the state under s. 414.095(7), and may  
1374 seek modification ~~adjustment~~ of the order if appropriate under  
1375 the child support guidelines ~~schedule established~~ in s. 61.30.  
1376 Not less than once every 3 years the department ~~IV-D agency~~  
1377 shall provide notice to the parties subject to the order  
1378 informing them of their right to request a review and, if  
1379 appropriate, a modification ~~an adjustment~~ of the child support  
1380 order. ~~The said~~ notice requirement may be met by including  
1381 appropriate language in the initial support order or any  
1382 subsequent orders.

1383 (b) If the department's review of a support order entered  
1384 by the circuit court indicates that the order should be  
1385 modified, the department, through counsel, shall file a petition  
1386 to modify the order with the court. Along with the petition, the  
1387 department shall file a child support guideline worksheet, any  
1388 financial affidavits or written declarations, pursuant to s.  
1389 61.30(15), received from the parties or completed by the  
1390 department as part of the support order review, a proposed  
1391 modified order that includes findings as to the source and  
1392 amount of income, and a notice that informs the parties of the  
1393 requirement to file an objection or a request for hearing with  
1394 the court if the party wants a court hearing on the petition to  
1395 modify. A copy of the petition, proposed order, and other  
1396 documents shall be served by regular mail on a party who  
1397 requested the support order review. A party who did not request  
1398 the support order review shall be served personally in any  
1399 manner authorized under chapter 48.

1400 (c) To obtain a court hearing on a petition to modify, a

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1401 party who is served by regular mail must file an objection to  
 1402 the proposed order or a request for hearing with the court  
 1403 within 30 days after the date on which the petition, proposed  
 1404 order, and other documents were mailed. If a party is served  
 1405 personally, to obtain a court hearing on a petition to modify  
 1406 the party must file an objection to the proposed order or a  
 1407 request for hearing with the court within 30 days after the date  
 1408 of receipt of the petition, proposed order, and other documents.

1409 (d) If a timely objection or request for hearing is not  
 1410 filed with the court, the court may modify the support order  
 1411 without a hearing in accordance with the terms of the proposed  
 1412 order.

1413 (e) If a support order does not provide for payment of  
 1414 noncovered medical expenses or require health insurance for the  
 1415 minor child and health insurance is accessible to the child and  
 1416 available at a reasonable cost, the department shall seek to  
 1417 have the order modified and any modification shall be made  
 1418 without a requirement for proof or showing of a change in  
 1419 circumstances.

1420 Section 12. Subsection (5) of section 409.2567, Florida  
 1421 Statutes, is amended to read:

1422 409.2567 Services to individuals not otherwise eligible.—

1423 (5) The Department of Revenue may ~~shall~~ seek a waiver from  
 1424 the Secretary of the United States Department of Health and  
 1425 Human Services to authorize the Department of Revenue to provide  
 1426 services in accordance with Title IV-D of the Social Security  
 1427 Act to individuals who are owed support without need of an  
 1428 application. The department may seek a waiver if it determines

1429 that the estimated increase in federal funding to the state  
 1430 would exceed any additional cost to the state if the waiver is  
 1431 granted. If the waiver is granted, the Department of Revenue  
 1432 shall adopt rules to implement the waiver and begin providing  
 1433 Title IV-D services if support payments are not being paid as  
 1434 ordered, except that the individual first must be given written  
 1435 notice of the right to refuse Title IV-D services and a  
 1436 reasonable opportunity to respond.

1437 Section 13. Subsection (3) of section 409.259, Florida  
 1438 Statutes, is amended to read:

1439 409.259 Filing fees in Title IV-D cases; electronic filing  
 1440 of pleadings, returns of service, and other papers.—

1441 (3) The clerks of the circuit court, chief judges through  
 1442 the Office of the State Courts Administrator, sheriffs, Office  
 1443 of the Attorney General, and Department of Revenue shall work  
 1444 cooperatively to implement electronic filing of pleadings,  
 1445 returns of service, and other papers with the clerks of the  
 1446 circuit court in Title IV-D cases upon completion of the  
 1447 department's Child Support Automated Management System II ~~by~~  
 1448 ~~October 1, 2009.~~

1449 Section 14. Paragraph (a) of subsection (20) of section  
 1450 409.910, Florida Statutes, is amended to read:

1451 409.910 Responsibility for payments on behalf of Medicaid-  
 1452 eligible persons when other parties are liable.—

1453 (20) Entities providing health insurance as defined in s.  
 1454 624.603, health maintenance organizations and prepaid health  
 1455 clinics as defined in chapter 641, and, on behalf of their  
 1456 clients, third-party administrators and pharmacy benefits

1457 managers as defined in s. 409.901(27) shall provide such records  
 1458 and information as are necessary to accomplish the purpose of  
 1459 this section, unless such requirement results in an unreasonable  
 1460 burden.

1461 (a) The director of the agency and the Director of the  
 1462 Office of Insurance Regulation of the Financial Services  
 1463 Commission shall enter into a cooperative agreement for  
 1464 requesting and obtaining information necessary to effect the  
 1465 purpose and objective of this section.

1466 1. The agency shall request only that information  
 1467 necessary to determine whether health insurance as defined  
 1468 pursuant to s. 624.603, or those health services provided  
 1469 pursuant to chapter 641, could be, should be, or have been  
 1470 claimed and paid with respect to items of medical care and  
 1471 services furnished to any person eligible for services under  
 1472 this section.

1473 2. All information obtained pursuant to subparagraph 1. is  
 1474 confidential and exempt from s. 119.07(1). The agency shall  
 1475 provide the information obtained pursuant to subparagraph 1. to  
 1476 the Department of Revenue for purposes of administering the  
 1477 Title IV-D program. The agency and the department shall enter  
 1478 into a cooperative agreement for purposes of implementing this  
 1479 requirement.

1480 3. The cooperative agreement or rules adopted under this  
 1481 subsection may include financial arrangements to reimburse the  
 1482 reporting entities for reasonable costs or a portion thereof  
 1483 incurred in furnishing the requested information. Neither the  
 1484 cooperative agreement nor the rules shall require the automation

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1485 of manual processes to provide the requested information.

1486 Section 15. Subsection (7) of section 414.095, Florida  
 1487 Statutes, is amended to read:

1488 414.095 Determining eligibility for temporary cash  
 1489 assistance.—

1490 (7) ASSIGNMENT OF RIGHTS TO SUPPORT.—As a condition of  
 1491 receiving temporary cash assistance, the family must assign to  
 1492 the Department of Revenue any rights a member of a family may  
 1493 have to support from any other person. This applies to any  
 1494 family member; however, the assigned amounts must not exceed the  
 1495 total amount of temporary cash assistance provided to the  
 1496 family. The assignment of support does not apply if the family  
 1497 leaves the program.

1498 Section 16. Subsection (1) of section 741.01, Florida  
 1499 Statutes, is amended to read:

1500 741.01 County court judge or clerk of the circuit court to  
 1501 issue marriage license; fee.—

1502 (1) Every marriage license shall be issued by a county  
 1503 court judge or clerk of the circuit court under his or her hand  
 1504 and seal. The county court judge or clerk of the circuit court  
 1505 shall issue such license, upon application for the license, if  
 1506 there appears to be no impediment to the marriage. An  
 1507 application for a marriage license must allow both parties to  
 1508 the marriage to state under oath and in writing if they are the  
 1509 parents of a child born in the state and to identify any such  
 1510 child they have in common by name, date of birth, place of  
 1511 birth, and, if available, birth certificate number. The name of  
 1512 any child recorded by both parties must be transmitted to the

1513 Department of Health with the original marriage license and  
 1514 endorsements. The county court judge or clerk of the circuit  
 1515 court shall collect and receive a fee of \$2 for receiving the  
 1516 application for the issuance of a marriage license.

1517 Section 17. Effective November 1, 2010, for the purpose of  
 1518 incorporating the amendment made by this act to section  
 1519 409.2564, Florida Statutes, in a reference thereto, paragraph  
 1520 (c) of subsection (1) of section 61.14, Florida Statutes, is  
 1521 reenacted to read:

1522 61.14 Enforcement and modification of support,  
 1523 maintenance, or alimony agreements or orders.—

1524 (1)

1525 (c) For each support order reviewed by the department as  
 1526 required by s. 409.2564(11), if the amount of the child support  
 1527 award under the order differs by at least 10 percent but not  
 1528 less than \$25 from the amount that would be awarded under s.  
 1529 61.30, the department shall seek to have the order modified and  
 1530 any modification shall be made without a requirement for proof  
 1531 or showing of a change in circumstances.

1532 Section 18. Effective November 1, 2010, for the purpose of  
 1533 incorporating the amendment made by this act to section  
 1534 409.2564, Florida Statutes, in a reference thereto, paragraph  
 1535 (c) of subsection (1) of section 61.30, Florida Statutes, is  
 1536 reenacted to read:

1537 61.30 Child support guidelines; retroactive child  
 1538 support.—

1539 (1)

1540 (c) For each support order reviewed by the department as

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1541 required by s. 409.2564(11), if the amount of the child support  
1542 award under the order differs by at least 10 percent but not  
1543 less than \$25 from the amount that would be awarded under s.  
1544 61.30, the department shall seek to have the order modified and  
1545 any modification shall be made without a requirement for proof  
1546 or showing of a change in circumstances.

1547 Section 19. Except as otherwise expressly provided in this  
1548 act, this act shall take effect upon becoming a law.