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Proposed Committee Substitute by the Committee on Children,
Families, and Elder Affairs

1 A bill to be entitled
2 An act relating to child support; amending s. 61.13,
3 F.S.; requiring that an obligor may make child support
4 payments directly to the obligee under certain
5 circumstances; clarifying when income deduction
6 payments are required to be paid to the State
7 Disbursement Unit; amending s. 61.30, F.S.;
8 authorizing the Department of Revenue to submit to the
9 court a written declaration signed under penalty of
10 perjury for the purpose of establishing an obligation
11 for child support; amending s. 382.015, F.S.;
12 requiring the Office of Vital Statistics in the
13 Department of Health to prepare and file a new birth
14 certificate to include the name of the legal father
15 when a final judgment of dissolution of marriage
16 requires the former husband to pay child support for
17 the child; amending s. 382.016, F.S.; requiring the
18 Office of Vital Statistics to amend a child's birth
19 certificate to include the name of the legal father
20 upon receipt of a marriage license that identifies the
21 child as a child of the marriage; amending s.
22 409.2558, F.S.; requiring the Department of Revenue to
23 process collected funds that are determined to be
24 undistributable in a specified manner; requiring the
25 department to retain as program income de minimis
26 child support collections under \$1; amending s.
27 409.256, F.S.; changing the term "custodian" to



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28 "caregiver" and defining the role of the caregiver;
29 amending s. 409.2563, F.S.; replacing "caretaker
30 relative" with "caregiver" and defining the term;
31 requiring the notice of proceeding to establish an
32 administrative support order to inform parents that
33 the Department of Revenue may refer the child support
34 proceeding to the Division of Administrative Hearings
35 for determination of the support obligation;
36 authorizing the Department of Revenue to refer a
37 proceeding to the Division of Administrative Hearings
38 for an evidentiary hearing to determine the support
39 obligation; replacing "hearing request" with
40 "proceeding"; amending s. 409.25635, F.S.; authorizing
41 the Department of Revenue to collect noncovered
42 medical expenses in installments by issuing an income
43 deduction notice; amending s. 409.2564, F.S.; removing
44 a provision that encouraged parties to enter into a
45 settlement agreement; requiring the department to
46 review child support orders in IV-D cases at least
47 once every 3 years; requiring the department to file a
48 petition to modify the support if the review of
49 support orders indicates the order should be modified;
50 amending s. 409.2567, F.S.; authorizing the Department
51 of Revenue to seek a specified waiver from the United
52 States Department of Health and Human Services if the
53 estimated increase in federal funding to the state
54 derived from the waiver would exceed any additional
55 cost to the state; amending s. 409.259, F.S.;

56 extending the deadline for implementing electronic



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

78

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

80

81 Section 1. Paragraph (d) of subsection (1) of section
82 61.13, Florida Statutes, is amended to read:

83 61.13 Support of children; parenting and time-sharing;
84 powers of court.—

85 (1)



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

89 2. If both parties request and the court finds that it is
90 in the best interest of the child, support payments need not be
91 subject to immediate income deduction. Support orders that are
92 not subject to immediate income deduction may be directed
93 through the depository under s. 61.181 or made payable directly
94 to the obligee. ~~Payments made by for all support orders that~~
95 ~~provide for~~ immediate income deduction shall be made to the
96 State Disbursement Unit. The court shall provide a copy of the
97 order to the depository.

98 3. For support orders payable directly to the obligee ~~that~~
99 ~~do not provide for immediate income deduction~~, any party, or the
100 department IV-D agency in a IV-D case, may subsequently file an
101 affidavit with the depository ~~State Disbursement Unit~~ alleging a
102 default in payment of child support and stating that the party
103 wishes to require that payments be made through the depository
104 ~~State Disbursement Unit~~. The party shall provide copies of the
105 affidavit to the court and to each other party. Fifteen days
106 after receipt of the affidavit, the depository ~~State~~
107 ~~Disbursement Unit~~ shall notify all parties that future payments
108 shall be paid through the depository, except that income
109 deduction payments shall be made to the State Disbursement Unit.

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

112 61.30 Child support guidelines; retroactive child support.—

113 (15) For purposes of establishing an obligation for support
114 in accordance with this section, if a person who is receiving



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115 public assistance is found to be noncooperative as defined in s.
116 409.2572, the department may ~~IV-D agency is authorized to~~ submit
117 to the court an affidavit or written declaration signed under
118 penalty of perjury as specified in s. 92.525(2) attesting to the
119 income of that parent based upon information available to the
120 department ~~IV-D agency~~.

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

123 382.015 New certificates of live birth; duty of clerks of
124 court and department.—The clerk of the court in which any
125 proceeding for adoption, annulment of an adoption, affirmation
126 of parental status, or determination of paternity is to be
127 registered, shall within 30 days after the final disposition,
128 forward to the department a certified copy of the court order,
129 or a report of the proceedings upon a form to be furnished by
130 the department, together with sufficient information to identify
131 the original birth certificate and to enable the preparation of
132 a new birth certificate. The clerk of the court shall implement
133 a monitoring and quality control plan to ensure that all
134 judicial determinations of paternity are reported to the
135 department in compliance with this section. The department shall
136 track paternity determinations reported monthly by county,
137 monitor compliance with the 30-day timeframe, and report the
138 data to the clerks of the court quarterly.

139 (2) DETERMINATION OF PATERNITY.—Upon receipt of the report,
140 ~~or~~ a certified copy of a final decree of determination of
141 paternity, or a certified copy of a final judgment of
142 dissolution of marriage which requires the former husband to pay
143 child support for the child, together with sufficient



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144 information to identify the original certificate of live birth,
145 the department shall prepare and file a new birth certificate,
146 which shall bear the same file number as the original birth
147 certificate. The registrant's name shall be entered as decreed
148 by the court or as reflected in the final judgment or support
149 order. The names and identifying information of the parents
150 shall be entered as of the date of the registrant's birth.

151 Section 4. Paragraph (b) of subsection (1) of section
152 382.016, Florida Statutes, is amended to read:

153 382.016 Amendment of records.—The department, upon receipt
154 of the fee prescribed in s. 382.0255; documentary evidence, as
155 specified by rule, of any misstatement, error, or omission
156 occurring in any birth, death, or fetal death record; and an
157 affidavit setting forth the changes to be made, shall amend or
158 replace the original certificate as necessary.

159 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

160 (b) Upon written request and receipt of an affidavit, a
161 notarized voluntary acknowledgment of paternity signed by the
162 mother and father acknowledging the paternity of a registrant
163 born out of wedlock, or a voluntary acknowledgment of paternity
164 that is witnessed by two individuals and signed under penalty of
165 perjury as specified by s. 92.525(2), together with sufficient
166 information to identify the original certificate of live birth,
167 the department shall prepare a new birth certificate, which
168 shall bear the same file number as the original birth
169 certificate. The names and identifying information of the
170 parents shall be entered as of the date of the registrant's
171 birth. The surname of the registrant may be changed from that
172 shown on the original birth certificate at the request of the



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173 mother and father of the registrant, or the registrant if of
174 legal age. If the mother and father marry each other at any time
175 after the registrant's birth, the department shall, upon receipt
176 of a marriage license that identifies the registrant, or upon
177 the request of the mother and father or registrant if of legal
178 age and proof of the marriage, amend the certificate with regard
179 to the parents' marital status as though the parents were
180 married at the time of birth. The department shall substitute
181 the new certificate of birth for the original certificate on
182 file. All copies of the original certificate of live birth in
183 the custody of a local registrar or other state custodian of
184 vital records shall be forwarded to the State Registrar.
185 Thereafter, when a certified copy of the certificate of birth or
186 portion thereof is issued, it shall be a copy of the new
187 certificate of birth or portion thereof, except when a court
188 order requires issuance of a certified copy of the original
189 certificate of birth. Except for a birth certificate on which a
190 father is listed pursuant to an affidavit, a notarized voluntary
191 acknowledgment of paternity signed by the mother and father
192 acknowledging the paternity of a registrant born out of wedlock,
193 or a voluntary acknowledgment of paternity that is witnessed by
194 two individuals and signed under penalty of perjury as specified
195 by s. 92.525(2), the department shall place the original
196 certificate of birth and all papers pertaining thereto under
197 seal, not to be broken except by order of a court of competent
198 jurisdiction or as otherwise provided by law.

199 Section 5. Effective July 1, 2010, subsection (3) of
200 section 409.2558, Florida Statutes, is amended to read:

201 409.2558 Support distribution and disbursement.-



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202 (3) UNDISTRIBUTABLE COLLECTIONS.—

203 (a) The department shall establish by rule the method for
204 determining a collection or refund to be undistributable to the
205 final intended recipient. Before determining a collection or
206 refund to be undistributable, the department shall make
207 reasonable efforts to locate persons to whom collections or
208 refunds are owed so that payment can be made. Location efforts
209 may include disclosure through a searchable database of the
210 names of obligees, obligors, and depository account numbers on
211 the Internet in compliance with the requirements of s.
212 119.01(2)(a).

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

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

218 2. Apply the payment to any financial liability incurred by
219 the obligor as a result of an overpayment to the obligor which
220 the obligor has failed to return to the department after notice;
221 then

222 3. Apply the payment to any financial liability incurred by
223 the obligee as a result of an overpayment to the obligee which
224 the obligee has failed to return to the department after notice;
225 then

226 ~~4.1.~~ Apply the payment to any assigned arrears on the
227 obligee's case; then

228 ~~5.2.~~ Apply the payment to any administrative costs ordered
229 by the court pursuant to s. 409.2567 associated with the
230 obligee's case; then



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231 ~~6.3.~~ When the obligor is subject to a valid order to
232 support another child in a case with a different obligee and the
233 obligation is being enforced by the department, the department
234 shall send by certified mail, restricted delivery, return
235 receipt requested, to the obligor at the most recent address
236 provided by the obligor to the tribunal that issued the order, a
237 notice stating the department's intention to apply the payment
238 pursuant to this subparagraph, and advising the obligor of the
239 right to contest the department's proposed action in the circuit
240 court by filing and serving a petition on the department within
241 30 days after the mailing of the notice. If the obligor does not
242 file and serve a petition within the 30 days after mailing of
243 the notice, or upon a disposition of the judicial action
244 favorable to the department, the department shall apply the
245 payment toward his or her other support obligation. If there is
246 more than one such other case, the department shall allocate the
247 remaining undistributable amount as specified by s.
248 61.1301(4)(c); then

249 ~~7.4.~~ Return the payment to the obligor; then

250 ~~8.5.~~ If the obligor cannot be located after diligent
251 efforts by the department, the federal share of the payment
252 shall be credited to the Federal Government and the state share
253 shall be transferred to the General Revenue Fund.

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

256 1. The federal share of the refund shall be sent to the
257 Federal Government.

258 2. The state share shall be credited to the General Revenue
259 Fund.



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260 (d) If a payment of less than \$1 is made by a paper check
261 on an open Title IV-D case and the payment is not cashed after
262 180 days, or if less than \$1 is owed on a closed Title IV-D
263 case, the department shall declare the payment as program
264 income, crediting the federal share of the payment to the
265 Federal Government and the state share of the payment to the
266 General Revenue Fund, without attempting to locate either party.

267 Section 6. Section 409.256, Florida Statutes, is amended to
268 read:

269 409.256 Administrative proceeding to establish paternity or
270 paternity and child support; order to appear for genetic
271 testing.—

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

273 (a) "Another state" or "other state" means a state of the
274 United States, the District of Columbia, Puerto Rico, the United
275 States Virgin Islands, or any territory or insular possession
276 subject to the jurisdiction of the United States. The term
277 includes:

278 1. An Indian tribe.

279 2. A foreign jurisdiction that has enacted a law or
280 established procedures for issuance and enforcement of support
281 orders which are substantially similar to the procedures under
282 this act, the Uniform Reciprocal Enforcement of Support Act, or
283 the Revised Uniform Reciprocal Enforcement of Support Act, as
284 determined by the Attorney General.

285 (b) "Caregiver" ~~"Custodian"~~ means a person, other than the
286 mother, father, or a putative father, who has physical custody
287 of a child or with whom the child primarily resides. References
288 in this section to the obligation of a caregiver ~~eustodian~~ to



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289 submit to genetic testing mean that the caregiver ~~eustodian~~ is
290 obligated to submit the child for genetic testing, not that the
291 caregiver ~~eustodian~~ must submit to genetic testing.

292 (c) "Filed" means a document has been received and accepted
293 for filing at the offices of the Department of Revenue by the
294 clerk or an authorized deputy clerk designated by the
295 department.

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

300 (e) "Paternity and child support proceeding" means an
301 administrative action commenced by the Department of Revenue to
302 order genetic testing, establish paternity, and establish an
303 administrative support order pursuant to this section.

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

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

311 (h) "Qualified technical laboratory" means a genetic-
312 testing laboratory that may be under contract with the
313 Department of Revenue, that uses tests and methods of a type
314 generally acknowledged as reliable by accreditation
315 organizations recognized by the United States Department of
316 Health and Human Services, and that is approved by such an
317 accreditation organization. The term includes a genetic-testing



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318 laboratory used by another state, if the laboratory has
319 comparable qualifications.

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

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

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

329 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO
330 THE COURTS.-

331 (a) The department ~~of Revenue~~ may commence a paternity
332 proceeding or a paternity and child support proceeding as
333 provided in subsection (4) if:

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

335 2. No one is named as the father on the child's birth
336 certificate or the person named as the father is the putative
337 father named in an affidavit or a written declaration as
338 provided in subparagraph 5.

339 3. The child's mother was unmarried when the child was
340 conceived and born.

341 4. The department ~~of Revenue~~ is providing services under
342 Title IV-D.

343 5. The child's mother or a putative father has stated in an
344 affidavit, or in a written declaration as provided in s.
345 92.525(2), l that the putative father is or may be the child's
346 biological father. The affidavit or written declaration must set



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347 forth the factual basis for the allegation of paternity as
348 provided in s. 742.12(2).

349 (b) If the department ~~of Revenue~~ receives a request from
350 another state to assist in the establishment of paternity, the
351 department may serve an order to appear for genetic testing on a
352 person who resides in this state and transmit the test results
353 to the other state without commencing a paternity proceeding in
354 this state.

355 (c) The department ~~of Revenue~~ may use the procedures
356 authorized by this section against a nonresident over whom this
357 state may assert personal jurisdiction under chapter 48 or
358 chapter 88.

359 (d) If a putative father, mother, or caregiver ~~custodian~~ in
360 a Title IV-D case voluntarily submits to genetic testing, the
361 department ~~of Revenue~~ may schedule that individual or the child
362 for genetic testing without serving that individual with an
363 order to appear for genetic testing. A respondent or other
364 person who is subject to an order to appear for genetic testing
365 may waive, in writing or on the record at an administrative
366 hearing, formal service of notices or orders or waive any other
367 rights or time periods prescribed by this section.

368 (e) Whenever practicable, hearings held by the Division of
369 Administrative Hearings pursuant to this section shall be held
370 in the judicial circuit where the person receiving services
371 under Title IV-D resides or, if the person receiving services
372 under Title IV-D does not reside in this state, in the judicial
373 circuit where the respondent resides. If the department ~~of~~
374 ~~Revenue~~ and the respondent agree, the hearing may be held in
375 another location. If ordered by the administrative law judge,



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376 the hearing may be conducted telephonically or by
377 videoconference.

378 (f) The Legislature does not intend to limit the
379 jurisdiction of the circuit courts to hear and determine issues
380 regarding establishment of paternity. This section is intended
381 to provide the department ~~of Revenue~~ with an alternative
382 procedure for establishing paternity and child support
383 obligations in Title IV-D cases. This section does not prohibit
384 a person who has standing from filing a civil action in circuit
385 court for a determination of paternity or of child support
386 obligations.

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

389 (3) MULTIPLE PUTATIVE FATHERS; MULTIPLE CHILDREN.—If more
390 than one putative father has been named, the department ~~of~~
391 ~~Revenue~~ may proceed under this section against a single putative
392 father or may proceed simultaneously against more than one
393 putative father. If a putative father has been named as a
394 possible father of more than one child born to the same mother,
395 the department may proceed to establish the paternity of each
396 child in the same proceeding.

397 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
398 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
399 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue
400 shall commence a proceeding to determine paternity, or a
401 proceeding to determine both paternity and child support, by
402 serving the respondent with a notice as provided in this
403 section. An order to appear for genetic testing may be served at
404 the same time as a notice of the proceeding or may be served



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405 separately. A copy of the affidavit or written declaration upon
406 which the proceeding is based shall be provided to the
407 respondent when notice is served. A notice or order to appear
408 for genetic testing shall be served by certified mail,
409 restricted delivery, return receipt requested, or in accordance
410 with the requirements for service of process in a civil action.
411 Service by certified mail is completed when the certified mail
412 is received or refused by the addressee or by an authorized
413 agent as designated by the addressee in writing. If a person
414 other than the addressee signs the return receipt, the
415 department shall attempt to reach the addressee by telephone to
416 confirm whether the notice was received, and the department
417 shall document any telephonic communications. If someone other
418 than the addressee signs the return receipt, the addressee does
419 not respond to the notice, and the department is unable to
420 confirm that the addressee has received the notice, service is
421 not completed and the department shall attempt to have the
422 addressee served personally. For purposes of this section, an
423 employee or an authorized agent of the department may serve the
424 notice or order to appear for genetic testing and execute an
425 affidavit of service. The department may serve an order to
426 appear for genetic testing on a caregiver ~~custodian~~. The
427 department shall provide a copy of the notice or order to appear
428 by regular mail to the mother and caregiver ~~custodian~~, if they
429 are not respondents.

430 (a) A notice of proceeding to establish paternity must
431 state:

432 1. That the department has commenced an administrative
433 proceeding to establish whether the putative father is the



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434 biological father of the child named in the notice.

435 2. The name and date of birth of the child and the name of
436 the child's mother.

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

440 4. That the respondent is required to submit to genetic
441 testing.

442 5. That genetic testing will establish either a high degree
443 of probability that the putative father is the biological father
444 of the child or that the putative father cannot be the
445 biological father of the child.

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

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

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

455 b. Commence a proceeding, as provided in s. 409.2563, to
456 establish an administrative support order for the child. Notice
457 of the proceeding shall be provided to the respondent by regular
458 mail.

459 8. That, if the genetic test results indicate a statistical
460 probability of paternity that equals or exceeds 99 percent and a
461 proceeding to establish an administrative support order is
462 commenced, the department shall issue a proposed order that



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463 addresses paternity and child support. The respondent may
464 consent to or contest the proposed order at an administrative
465 hearing.

466 9. That if a proposed order of paternity or proposed order
467 of both paternity and child support is not contested, the
468 department shall adopt the proposed order and render a final
469 order that establishes paternity and, if appropriate, an
470 administrative support order for the child.

471 10. That, until the proceeding is ended, the respondent
472 shall notify the department in writing of any change in the
473 respondent's mailing address and that the respondent shall be
474 deemed to have received any subsequent order, notice, or other
475 paper mailed to the most recent address provided or, if a more
476 recent address is not provided, to the address at which the
477 respondent was served, and that this requirement continues if
478 the department renders a final order that establishes paternity
479 and a support order for the child.

480 11. That the respondent may file an action in circuit court
481 for a determination of paternity, child support obligations, or
482 both.

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

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

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

494 (b) A notice of proceeding to establish paternity and child
495 support must state the requirements of paragraph (a), except for
496 subparagraph (a)7., and must state the requirements of s.
497 409.2563(4), to the extent that the requirements of s.
498 409.2563(4) are not already required by and do not conflict with
499 this subsection. This section and s. 409.2563 apply to a
500 proceeding commenced under this subsection.

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

503 1. That the department has commenced an administrative
504 proceeding to establish whether the putative father is the
505 biological father of the child.

506 2. The name and date of birth of the child and the name of
507 the child's mother.

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

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

513 5. That if the person has custody of the child whose
514 paternity is the subject of the proceeding, the person must
515 submit the child for genetic testing.

516 6. That when the samples are provided, the person ordered
517 to appear shall verify his or her identity and the identity of
518 the child, if applicable, by presenting a form of identification
519 as prescribed by s. 117.05(5) (b)2. which ~~that~~ bears the
520 photograph of the person who is providing the sample or other



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521 form of verification approved by the department.

522 7. That if the person ordered to appear submits to genetic
523 testing, the department shall pay the cost of the genetic
524 testing and shall provide the person ordered to appear with a
525 copy of any test results obtained.

526 8. That if the person ordered to appear does not appear as
527 ordered or refuses to submit to genetic testing without good
528 cause, the department may take one or more of the following
529 actions:

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

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

535 c. File a petition in circuit court to establish paternity
536 and obtain a support order for the child and an order for costs
537 against the person ordered to appear, including costs for
538 genetic testing.

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

543 (d) If the putative father is incarcerated, the
544 correctional facility shall assist the putative father in
545 complying with an administrative order to appear for genetic
546 testing issued under this section.

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

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



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550 (a) The person ordered to appear may contest an order to
551 appear for genetic testing by filing a written request for
552 informal review with the department ~~of Revenue~~ within 15 days
553 after the date of service of the order. The purpose of the
554 informal review is to provide the person ordered to appear with
555 an opportunity to discuss the proceedings and the basis of the
556 order. At the conclusion of the informal review, the department
557 shall notify the person ordered to appear, in writing, whether
558 it intends to proceed with the order to appear. If the
559 department notifies the person ordered to appear of its intent
560 to proceed, the notice must inform the person ordered to appear
561 of the right to contest the order at an administrative hearing.

562 (b) Following an informal review, within 15 days after the
563 mailing date of the department's ~~Department of Revenue's~~
564 notification that the department shall proceed with an order to
565 appear for genetic testing, the person ordered to appear may
566 file a request for an administrative hearing to contest whether
567 the person should be required to submit to genetic testing. A
568 request for an administrative hearing must state the specific
569 reasons why the person ordered to appear believes he or she
570 should not be required to submit to genetic testing as ordered.
571 If the person ordered to appear files a timely request for a
572 hearing, the department shall refer the hearing request to the
573 Division of Administrative Hearings. Unless otherwise provided
574 in this section, administrative hearings are governed by chapter
575 120 and the uniform rules of procedure. The administrative law
576 judge assigned to the case shall issue an order as to whether
577 the person must submit to genetic testing in accordance with the
578 order to appear. The department or the person ordered to appear



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579 may seek immediate judicial review under s. 120.68 of an order
580 issued by an administrative law judge pursuant to this
581 paragraph.

582 (c) If a timely request for an informal review or an
583 administrative hearing is filed, the department may not proceed
584 under the order to appear for genetic testing and may not impose
585 sanctions for failure or refusal to submit to genetic testing
586 until:

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

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

592 3. The Division of Administrative Hearings issues an order
593 that the person must submit to genetic testing, or issues an
594 order closing the division's file, and that an order has become
595 final.

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

600 (6) SCHEDULING OF GENETIC TESTING.—

601 (a) The department ~~of Revenue~~ shall notify, in writing, the
602 person ordered to appear of the date, time, and location of the
603 appointment for genetic testing and of the requirement to verify
604 his or her identity and the identity of the child, if
605 applicable, when the samples are provided by presenting a form
606 of identification as prescribed in s. 117.05(5)(b)2. which ~~that~~
607 bears the photograph of the person who is providing the sample



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608 or other form of verification approved by the department. If the
609 person ordered to appear is the putative father or the mother,
610 that person shall appear and submit to genetic testing. If the
611 person ordered to appear is a caregiver ~~custodian~~, or if the
612 putative father or the mother has custody of the child, that
613 person must submit the child for genetic testing.

614 (b) The department shall reschedule genetic testing:

615 1. One time without cause if, in advance of the initial
616 test date, the person ordered to appear requests the department
617 to reschedule the test.

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

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

623

624 A claim of good cause for failure to appear shall be filed with
625 the department within 10 days after the scheduled test date and
626 must state the facts and circumstances supporting the claim. The
627 department shall notify the person ordered to appear, in
628 writing, whether it accepts or rejects the person's claim of
629 good cause. There is not a separate right to a hearing on the
630 department's decision to accept or reject the claim of good
631 cause because the person ordered to appear may raise good cause
632 as a defense to any proceeding initiated by the department under
633 subsection (7).

634 (c) A person ordered to appear may obtain a second genetic
635 test by filing a written request for a second test with the
636 department within 15 days after the date of mailing of the



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637 initial genetic testing results and by paying the department in
638 advance for the full cost of the second test.

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

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

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

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

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

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

659
660 As provided in s. 322.058(2), a suspended driver's license and
661 motor vehicle registration may be reinstated when the person
662 ordered to appear complies with the order to appear for genetic
663 testing. The department may collect an administrative fine
664 imposed under this subsection by using civil remedies or other
665 statutory means available to the department for collecting



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666 support.

667 (8) GENETIC-TESTING RESULTS.—The department shall send a
668 copy of the genetic-testing results to the putative father, to
669 the mother, to the caregiver ~~eustodian~~, and to the other state,
670 if applicable. If the genetic-testing results, including second
671 or subsequent genetic-testing results, do not indicate a
672 statistical probability of paternity that equals or exceeds 99
673 percent, the paternity proceeding in connection with that child
674 shall cease.

675 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF PROCEEDING
676 TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED ORDER OF
677 PATERNITY AND CHILD SUPPORT.—

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

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

684 2. If appropriate, delay issuing a proposed order of
685 paternity and commence, by regular mail, an administrative
686 proceeding to establish a support order for the child pursuant
687 to s. 409.2563 and issue a single proposed order that addresses
688 paternity and child support.

689 (b) A proposed order of paternity must:

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

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

692 3. Include notice of the respondent's right to informal
693 review and to contest the proposed order of paternity at an
694 administrative hearing.



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695 (c) If a paternity and child support proceeding has been
696 commenced under this section and the results of genetic testing
697 indicate a statistical probability of paternity that equals or
698 exceeds 99 percent, the department ~~of Revenue~~ may issue a single
699 proposed order that addresses paternity as provided in this
700 section and child support as provided in s. 409.2563.

701 (d) The department ~~of Revenue~~ shall serve a proposed order
702 issued under this section on the respondent by regular mail and
703 shall provide a copy by regular mail to the mother or caregiver
704 ~~eustodian~~ if they are not respondents.

705 (10) INFORMAL REVIEW; ADMINISTRATIVE HEARING; PRESUMPTION
706 OF PATERNITY.—

707 (a) Within 10 days after the date of mailing or other
708 service of a proposed order of paternity, the respondent may
709 contact a representative of the department ~~of Revenue~~ at the
710 address or telephone number provided to request an informal
711 review of the proposed order. If an informal review is timely
712 requested, the time for requesting a hearing is extended until
713 10 days after the department mails notice to the respondent that
714 the informal review has been concluded.

715 (b) Within 20 days after the mailing date of the proposed
716 order or within 10 days after the mailing date of notice that an
717 informal review has been concluded, whichever is later, the
718 respondent may request an administrative hearing by filing a
719 written request for a hearing with the department ~~of Revenue~~. A
720 request for a hearing must state the specific objections to the
721 proposed order, the specific objections to the genetic testing
722 results, or both. A respondent who fails to file a timely
723 request for a hearing is deemed to have waived the right to a



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724 hearing.

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

730 (d) The genetic-testing results shall be admitted into
731 evidence and made a part of the hearing record. For purposes of
732 this section, a statistical probability of paternity that equals
733 or exceeds 99 percent creates a presumption, as defined in s.
734 90.304, that the putative father is the biological father of the
735 child. The presumption may be overcome only by clear and
736 convincing evidence. The respondent or the department ~~of Revenue~~
737 may call an expert witness to refute or support the testing
738 procedure or results or the mathematical theory on which they
739 are based. Verified documentation of the chain of custody of the
740 samples tested is competent evidence to establish the chain of
741 custody.

742 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
743 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
744 STATISTICS.—

745 (a) If a hearing is held, the administrative law judge of
746 the Division of Administrative Hearings shall issue a final
747 order that adjudicates paternity or, if appropriate, paternity
748 and child support. A final order of the administrative law judge
749 constitutes final agency action by the Department of Revenue.
750 The Division of Administrative Hearings shall transmit any such
751 order to the department for filing and rendering.

752 (b) If the respondent does not file a timely request for a



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753 hearing or consents in writing to entry of a final order without
754 a hearing, the department ~~of Revenue~~ may render a final order of
755 paternity or a final order of paternity and child support, as
756 appropriate.

757 (c) The department ~~of Revenue~~ shall mail a copy of the
758 final order to the putative father, the mother, and the
759 caregiver custodian, if any. The department shall notify the
760 respondent of the right to seek judicial review of a final order
761 in accordance with s. 120.68.

762 (d) Upon rendering a final order of paternity or a final
763 order of paternity and child support, the department ~~of Revenue~~
764 shall notify the Division of Vital Statistics of the Department
765 of Health that the paternity of the child has been established.

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

769 (f) The provisions of s. 409.2563 which ~~that~~ apply to a
770 final administrative support order rendered under that section
771 apply to a final order rendered under this section when a child
772 support obligation is established.

773 (12) RIGHT TO JUDICIAL REVIEW.—A respondent has the right
774 to seek judicial review, in accordance with s. 120.68, of a
775 final order rendered under subsection (11) and an order issued
776 under paragraph (5) (b). The department ~~of Revenue~~ has the right
777 to seek judicial review, in accordance with s. 120.68, of a
778 final order issued by an administrative law judge under
779 subsection (11) and an order issued by an administrative law
780 judge under paragraph (5) (b).

781 (13) DUTY TO PROVIDE AND MAINTAIN CURRENT MAILING ADDRESS.—



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782 Until a proceeding that has been commenced under this section
783 has ended, a respondent who is served with a notice of
784 proceeding must inform the department ~~of Revenue~~ in writing of
785 any change in the respondent's mailing address and is deemed to
786 have received any subsequent order, notice, or other paper
787 mailed to that address, or the address at which the respondent
788 was served, if the respondent has not provided a more recent
789 address.

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

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

798 (16) REMEDIES SUPPLEMENTAL.—The remedies provided in this
799 section are supplemental and in addition to other remedies
800 available to the department for the establishment of paternity
801 and child support obligations.

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

804 Section 7. Paragraph (b) of subsection (1), paragraph (d)
805 of subsection (2), subsection (4), paragraphs (a) and (b) of
806 subsection (5), and subsections (6), (7), and (13) of section
807 409.2563, Florida Statutes, are amended to read:

808 409.2563 Administrative establishment of child support
809 obligations.—

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



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811 (b) "Caregiver" means a person, other than the mother,
812 father, or putative father, who has physical custody of the
813 child or with whom the child primarily resides. "Caretaker
814 relative" has the same meaning ascribed in s. 414.0252(11).
815

816 Other terms used in this section have the meanings ascribed in
817 ss. 61.046 and 409.2554.

818 (2) PURPOSE AND SCOPE.—

819 (d) Either parent, or a caregiver ~~caretaker relative~~ if
820 applicable, may at any time file a civil action in a circuit
821 court having jurisdiction and proper venue to determine parental
822 support obligations, if any. A support order issued by a circuit
823 court prospectively supersedes an administrative support order
824 rendered by the department.

825 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
826 SUPPORT ORDER.—To commence a proceeding under this section, the
827 department shall provide to the parent from whom support is not
828 being sought and serve the parent from whom support is being
829 sought with a notice of proceeding to establish administrative
830 support order and a blank financial affidavit form. The notice
831 must state:

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

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

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



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

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

849 (f) That the department will calculate support obligations
850 based on the child support guidelines schedule in s. 61.30 and
851 using all available information, as provided by paragraph
852 (5) (a), and will incorporate such obligations into a proposed
853 administrative support order;

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

859 (h) That the parent from whom support is being sought may
860 file a request for a hearing in writing within 20 days after the
861 date of mailing or other service of the proposed administrative
862 support order or will be deemed to have waived the right to
863 request a hearing;

864 (i) That unless the department refers the proceeding to the
865 Division of Administrative Hearings or if the parent from whom
866 support is being sought does not file a timely request for
867 hearing after service of the proposed administrative support
868 order, the department will issue an administrative support order



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869 that incorporates the findings of the proposed administrative
870 support order, and will send by regular mail a copy of the
871 administrative support order to both parents, or parent and
872 caregiver ~~caretaker~~ relative if applicable;

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

876 (k) That after an administrative support order is rendered,
877 the department may enforce the administrative support order by
878 any lawful means;

879 (l) That the department may refer the proceeding to the
880 Division of Administrative Hearings for a determination of the
881 support obligation, if any.

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

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

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

895 2. The parent from whom support is being sought may state
896 in writing to the department his or her intention to address
897 issues concerning custody or rights to parental contact in



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898 circuit court.

899 3. If the parent from whom support is being sought submits
900 the request authorized in subparagraph 1., or the statement
901 authorized in subparagraph 2. to the department within 20 days
902 after the receipt of the initial notice, the department shall
903 file a petition in circuit court for the determination of the
904 parent's child support obligations, and shall send to the parent
905 from whom support is being sought a copy of its petition, a
906 notice of commencement of action, and a request for waiver of
907 service of process as provided in the Florida Rules of Civil
908 Procedure.

909 4. If, within 10 days after receipt of the department's
910 petition and waiver of service, the parent from whom support is
911 being sought signs and returns the waiver of service form to the
912 department, the department shall terminate the administrative
913 proceeding without prejudice and proceed in circuit court.

914 5. In any circuit court action filed by the department
915 pursuant to this paragraph or filed by a parent from whom
916 support is being sought or other person pursuant to paragraph
917 (m) or paragraph (o) ~~paragraph (l) or paragraph (n)~~, the
918 department shall be a party only with respect to those issues of
919 support allowed and reimbursable under Title IV-D of the Social
920 Security Act. It is the responsibility of the parent from whom
921 support is being sought or other person to take the necessary
922 steps to present other issues for the court to consider.

923 (o) ~~(n)~~ That if the parent from whom support is being sought
924 files an action in circuit court and serves the department with
925 a copy of the petition within 20 days after being served notice
926 under this subsection, the administrative process ends without



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927 prejudice and the action must proceed in circuit court;
928 (p)~~(e)~~ Information provided by the Office of State Courts
929 Administrator concerning the availability and location of self-
930 help programs for those who wish to file an action in circuit
931 court but who cannot afford an attorney.
932
933 The department may serve the notice of proceeding to establish
934 administrative support order by certified mail, restricted
935 delivery, return receipt requested. Alternatively, the
936 department may serve the notice by any means permitted for
937 service of process in a civil action. For purposes of this
938 section, an authorized employee of the department may serve the
939 notice and execute an affidavit of service. Service by certified
940 mail is completed when the certified mail is received or refused
941 by the addressee or by an authorized agent as designated by the
942 addressee in writing. If a person other than the addressee signs
943 the return receipt, the department shall attempt to reach the
944 addressee by telephone to confirm whether the notice was
945 received, and the department shall document any telephonic
946 communications. If someone other than the addressee signs the
947 return receipt, the addressee does not respond to the notice,
948 and the department is unable to confirm that the addressee has
949 received the notice, service is not completed and the department
950 shall attempt to have the addressee served personally. The
951 department shall provide the parent from whom support is not
952 being sought or the caregiver ~~caretaker~~ ~~relative~~ with a copy of
953 the notice by regular mail to the last known address of the
954 parent from whom support is not being sought or caregiver
955 ~~caretaker~~.



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956 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

957 (a) After serving notice upon a parent in accordance with
958 subsection (4), the department shall calculate that parent's
959 child support obligation under the child support guidelines
960 schedule as provided by s. 61.30, based on any timely financial
961 affidavits received and other information available to the
962 department. If either parent fails to comply with the
963 requirement to furnish a financial affidavit, the department may
964 proceed on the basis of information available from any source,
965 if such information is sufficiently reliable and detailed to
966 allow calculation of guideline schedule amounts under s. 61.30.
967 If a parent receives public assistance and fails to submit a
968 financial affidavit, the department may submit a financial
969 affidavit or written declaration for that parent pursuant to s.
970 61.30(15). If there is a lack of sufficient reliable information
971 concerning a parent's actual earnings for a current or past
972 period, it shall be presumed for the purpose of establishing a
973 support obligation that the parent had an earning capacity equal
974 to the federal minimum wage during the applicable period.

975 (b) The department shall send by regular mail to both
976 parents, or to a parent and caregiver ~~caretaker~~ ~~relative~~ if
977 applicable, copies of the proposed administrative support order,
978 its completed child support worksheet, and any financial
979 affidavits submitted by a parent or prepared by the department.
980 The proposed administrative support order must contain the same
981 elements as required for an administrative support order under
982 paragraph (7) (e).

983 (6) HEARING.—If the parent from whom support is being
984 sought files a timely request for hearing or the department



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985 determines that an evidentiary hearing is appropriate, the
986 department shall refer the proceeding hearing request to the
987 Division of Administrative Hearings. Unless otherwise provided
988 by this section, chapter 120 and the Uniform Rules of Procedure
989 shall govern the conduct of the proceedings. The administrative
990 law judge shall consider all available and admissible
991 information and any presumptions that apply as provided by
992 paragraph (5) (a).

993 (7) ADMINISTRATIVE SUPPORT ORDER.—

994 (a) If a hearing is held, the administrative law judge of
995 the Division of Administrative Hearings shall issue an
996 administrative support order, or a final order denying an
997 administrative support order, which constitutes final agency
998 action by the department. The Division of Administrative
999 Hearings shall transmit any such order to the department for
1000 filing and rendering.

1001 (b) If the parent from whom support is being sought does
1002 not file a timely request for a hearing, the parent will be
1003 deemed to have waived the right to request a hearing.

1004 (c) If the parent from whom support is being sought waives
1005 the right to a hearing, or consents in writing to the entry of
1006 an order without a hearing, the department may render an
1007 administrative support order.

1008 (d) The department shall send by regular mail a copy of the
1009 administrative support order, or the final order denying an
1010 administrative support order, to both parents, or a parent and
1011 caregiver ~~caretaker~~ relative if applicable. The parent from whom
1012 support is being sought shall be notified of the right to seek
1013 judicial review of the administrative support order in



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1014 accordance with s. 120.68.

1015 (e) An administrative support order must comply with ss.
1016 61.13(1) and 61.30. The department shall develop a standard form
1017 or forms for administrative support orders. An administrative
1018 support order must provide and state findings, if applicable,
1019 concerning:

1020 1. The full name and date of birth of the child or
1021 children;

1022 2. The name of the parent from whom support is being sought
1023 and the other parent or caregiver ~~caretaker~~ relative;

1024 3. The parent's duty and ability to provide support;

1025 4. The amount of the parent's monthly support obligation;

1026 5. Any obligation to pay retroactive support;

1027 6. The parent's obligation to provide for the health care
1028 needs of each child, whether through health insurance,
1029 contribution toward ~~towards~~ the cost of health insurance,
1030 payment or reimbursement of health care expenses for the child,
1031 or any combination thereof;

1032 7. The beginning date of any required monthly payments and
1033 health insurance;

1034 8. That all support payments ordered must be paid to the
1035 Florida State Disbursement Unit as provided by s. 61.1824;

1036 9. That the parents, or caregiver ~~caretaker~~ relative if
1037 applicable, must file with the department when the
1038 administrative support order is rendered, if they have not
1039 already done so, and update as appropriate the information
1040 required pursuant to paragraph (13) (b);

1041 10. That both parents, or parent and caregiver ~~caretaker~~
1042 ~~relative~~ if applicable, are required to promptly notify the



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1043 department of any change in their mailing addresses pursuant to
1044 paragraph (13)(c); and

1045 11. That if the parent ordered to pay support receives
1046 unemployment compensation benefits, the payor shall withhold,
1047 and transmit to the department, 40 percent of the benefits for
1048 payment of support, not to exceed the amount owed.

1049
1050 An income deduction order as provided by s. 61.1301 must be
1051 incorporated into the administrative support order or, if not
1052 incorporated into the administrative support order, the
1053 department or the Division of Administrative Hearings shall
1054 render a separate income deduction order.

1055 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
1056 ADDRESS OF RECORD.—In all proceedings pursuant to this section:

1057 (a) Each parent must execute and furnish to the department,
1058 no later than 20 days after receipt of the notice of proceeding
1059 to establish administrative support order, a financial affidavit
1060 in the form prescribed by the department. An updated financial
1061 affidavit must be executed and furnished to the department at
1062 the inception of each proceeding to modify an administrative
1063 support order. A caregiver is ~~caretaker~~ ~~relatives~~ are not
1064 required to furnish a financial affidavit ~~affidavits~~.

1065 (b) Each parent and caregiver, ~~caretaker~~ ~~relative~~ if
1066 applicable, shall disclose to the department, no later than 20
1067 days after receipt of the notice of proceeding to establish
1068 administrative support order, and update as appropriate,
1069 information regarding his or her identity and location,
1070 including names he or she is known by; social security number;
1071 residential and mailing addresses; telephone numbers; driver's



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1072 license numbers; and names, addresses, and telephone numbers of
1073 employers. Pursuant to the federal Personal Responsibility and
1074 Work Opportunity Reconciliation Act of 1996, each person must
1075 provide his or her social security number in accordance with
1076 this section. Disclosure of social security numbers obtained
1077 through this requirement shall be limited to the purpose of
1078 administration of the Title IV-D program for child support
1079 enforcement.

1080 (c) Each parent and caregiver ~~caretaker~~ relative, if
1081 applicable, has a continuing obligation to promptly inform the
1082 department in writing of any change in his or her mailing
1083 address to ensure receipt of all subsequent pleadings, notices,
1084 payments, statements, and orders, and receipt is presumed if
1085 sent by regular mail to the most recent address furnished by the
1086 person.

1087 Section 8. Effective October 1, 2010, subsection (7) of
1088 section 409.25635, Florida Statutes, is amended to read:

1089 409.25635 Determination and collection of noncovered
1090 medical expenses.—

1091 (7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.—Any
1092 administrative remedy available for collection of support may be
1093 used to collect noncovered medical expenses that are determined
1094 or established under this section. The department may collect
1095 noncovered medical expenses in installments by adding a periodic
1096 payment to an income deduction notice issued by the department.

1097 Section 9. Effective November 1, 2010, subsections (4) and
1098 (11) of section 409.2564, Florida Statutes, are amended to read:

1099 409.2564 Actions for support.—

1100 (4) Whenever the Department of Revenue has undertaken an



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1101 action for enforcement of support, the Department of Revenue may
1102 enter into an agreement with the obligor for the entry of a
1103 judgment determining paternity, if applicable, and for periodic
1104 child support payments based on the child support guidelines
1105 schedule in s. 61.30. Before ~~Prior to~~ entering into this
1106 agreement, the obligor shall be informed that a judgment will be
1107 entered based on the agreement. The clerk of the court shall
1108 file the agreement without the payment of any fees or charges,
1109 and the court, upon entry of the judgment, shall forward a copy
1110 of the judgment to the parties to the action. ~~To encourage out-~~
1111 ~~of-court settlement and promote support order compliance, if the~~
1112 ~~obligor and the Department of Revenue agree on entry of a~~
1113 ~~support order and its terms, the guideline amount owed for~~
1114 ~~retroactive support that is permanently assigned to the state~~
1115 ~~shall be reduced by 25 percent.~~

1116 (11) (a) The Department of Revenue ~~Title IV-D~~ agency shall
1117 review child support orders in IV-D cases at least once every 3
1118 years when requested ~~upon request~~ by either party, or when
1119 support rights are assigned ~~the agency in cases where there is~~
1120 ~~an assignment of support~~ to the state under s. 414.095(7), and
1121 may seek modification ~~adjustment~~ of the order if appropriate
1122 under the child support guidelines ~~schedule~~ established in s.
1123 61.30. Not less than once every 3 years the department ~~IV-D~~
1124 ~~agency~~ shall provide notice to the parties subject to the order
1125 informing them of their right to request a review and, if
1126 appropriate, a modification ~~an adjustment~~ of the child support
1127 order. The ~~Said~~ notice requirement may be met by including
1128 appropriate language in the initial support order or any
1129 subsequent orders.



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1130 (b) If the department's review of a support order entered
1131 by the circuit court indicates that the order should be
1132 modified, the department, through counsel, shall file a petition
1133 to modify the order with the court. Along with the petition, the
1134 department shall file a child support guideline worksheet, any
1135 financial affidavits received from the parties or completed by
1136 the department as part of the support order review, a proposed
1137 modified order, and a notice that informs the parties of the
1138 requirement to file an objection or a request for a hearing with
1139 the court if the party wants a court hearing on the petition to
1140 modify. A copy of the petition, proposed order, and other
1141 documents shall be served by regular mail on a party who
1142 requested review of a support order or who responded to the
1143 department during the review. A party who did not request review
1144 of a support order or respond to the department during the
1145 review shall be served by certified mail, return receipt
1146 requested, restricted delivery or shall be served personally in
1147 any manner authorized by chapter 48.

1148 (c) In order to obtain a court hearing on a petition to
1149 modify, a party who is served by regular mail must file an
1150 objection to the proposed order or a request for hearing with
1151 the court within 30 days after the date of mailing of the
1152 petition, proposed order, and other documents. If a party is
1153 served personally or by certified mail, in order to obtain a
1154 court hearing the party must file an objection to the proposed
1155 order or a request for a hearing with the court within 30 days
1156 after the date of receipt of the petition, proposed order, and
1157 other documents.

1158 (d) If a timely objection or request for a hearing is not



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1159 filed with the court, the court may modify the support order
1160 without a hearing in accordance with the terms of the proposed
1161 order.

1162 (e) If a support order does not provide for payment of
1163 noncovered medical expenses or require health insurance for the
1164 minor child and it is accessible to the child and available at
1165 reasonable cost, the department shall seek to have the order
1166 modified and any modification shall be made without a
1167 requirement for proof or showing of a change in circumstances.

1168 Section 10. Subsection (5) of section 409.2567, Florida
1169 Statutes, is amended to read:

1170 409.2567 Services to individuals not otherwise eligible.—

1171 (5) The Department of Revenue may ~~shall~~ seek a waiver from
1172 the Secretary of the United States Department of Health and
1173 Human Services to authorize the Department of Revenue to provide
1174 services in accordance with Title IV-D of the Social Security
1175 Act to individuals who are owed support without need of an
1176 application. The department may seek a waiver if it determines
1177 that the estimated increase in federal funding to the state
1178 derived from the waiver would exceed any additional cost to the
1179 state if the waiver is granted. If the waiver is granted, the
1180 Department of Revenue shall adopt rules to implement the waiver
1181 and begin providing Title IV-D services if support payments are
1182 not being paid as ordered, except that the individual first must
1183 be given written notice of the right to refuse Title IV-D
1184 services and a reasonable opportunity to respond.

1185 Section 11. Subsection (3) of section 409.259, Florida
1186 Statutes, is amended to read:

1187 409.259 Filing fees in Title IV-D cases; electronic filing



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1188 of pleadings, returns of service, and other papers.-

1189 (3) The clerks of the circuit court, chief judges through
1190 the Office of the State Courts Administrator, sheriffs, Office
1191 of the Attorney General, and Department of Revenue shall work
1192 cooperatively to implement electronic filing of pleadings,
1193 returns of service, and other papers with the clerks of the
1194 circuit court in Title IV-D cases upon completion of the Child
1195 Support Automated Management System II by October 1, 2009.

1196 Section 12. Paragraph (a) of subsection (20) of section
1197 409.910, Florida Statutes, is amended to read:

1198 409.910 Responsibility for payments on behalf of Medicaid-
1199 eligible persons when other parties are liable.-

1200 (20) Entities providing health insurance as defined in s.
1201 624.603, health maintenance organizations and prepaid health
1202 clinics as defined in chapter 641, and, on behalf of their
1203 clients, third-party administrators and pharmacy benefits
1204 managers as defined in s. 409.901(27) shall provide such records
1205 and information as are necessary to accomplish the purpose of
1206 this section, unless such requirement results in an unreasonable
1207 burden.

1208 (a) The director of the agency and the Director of the
1209 Office of Insurance Regulation of the Financial Services
1210 Commission shall enter into a cooperative agreement for
1211 requesting and obtaining information necessary to effect the
1212 purpose and objective of this section.

1213 1. The agency shall request only that information necessary
1214 to determine whether health insurance as defined pursuant to s.
1215 624.603, or those health services provided pursuant to chapter
1216 641, could be, should be, or have been claimed and paid with



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1217 respect to items of medical care and services furnished to any
1218 person eligible for services under this section.

1219 2. All information obtained pursuant to subparagraph 1. is
1220 confidential and exempt from s. 119.07(1). The agency shall
1221 provide the information obtained pursuant to subparagraph 1. to
1222 the Department of Revenue for purposes of administering the
1223 state Title IV-D program. The agency and the Department of
1224 Revenue shall enter into a cooperative agreement for purposes of
1225 implementing this requirement.

1226 3. The cooperative agreement or rules adopted under this
1227 subsection may include financial arrangements to reimburse the
1228 reporting entities for reasonable costs or a portion thereof
1229 incurred in furnishing the requested information. Neither the
1230 cooperative agreement nor the rules shall require the automation
1231 of manual processes to provide the requested information.

1232 Section 13. Subsection (7) of section 414.095, Florida
1233 Statutes, is amended to read:

1234 414.095 Determining eligibility for temporary cash
1235 assistance.—

1236 (7) ASSIGNMENT OF RIGHTS TO SUPPORT.—As a condition of
1237 receiving temporary cash assistance, the family must assign to
1238 the Department of Revenue any rights a member of a family may
1239 have to support from any other person. This applies to any
1240 family member; however, the assigned amounts must not exceed the
1241 total amount of temporary cash assistance provided to the
1242 family. The assignment of support does not apply if the family
1243 leaves the program.

1244 Section 14. Subsection (1) of section 741.01, Florida
1245 Statutes, is amended to read:



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1246 741.01 County court judge or clerk of the circuit court to
1247 issue marriage license; fee.-

1248 (1) Every marriage license shall be issued by a county
1249 court judge or clerk of the circuit court under his or her hand
1250 and seal. The county court judge or clerk of the circuit court
1251 shall issue such license, upon application for the license, if
1252 there appears to be no impediment to the marriage. An
1253 application for a marriage license must allow both parties to
1254 the marriage to state under oath in writing if they are the
1255 parents of a child born in this state and to identify any such
1256 child they have in common by name, date of birth, place of
1257 birth, and, if available, birth certificate number. The name of
1258 any child recorded by both parties must be transmitted to the
1259 Department of Health along with the original marriage license
1260 and endorsements. The county court judge or clerk of the circuit
1261 court shall collect and receive a fee of \$2 for receiving the
1262 application for the issuance of a marriage license.

1263 Section 15. For the purpose of incorporating the amendment
1264 made by this act to section 409.2564, Florida Statutes, in a
1265 reference thereto, paragraph (c) of subsection (1) of section
1266 61.14, Florida Statutes, is reenacted to read:

1267 61.14 Enforcement and modification of support, maintenance,
1268 or alimony agreements or orders.-

1269 (1)

1270 (c) For each support order reviewed by the department as
1271 required by s. 409.2564(11), if the amount of the child support
1272 award under the order differs by at least 10 percent but not
1273 less than \$25 from the amount that would be awarded under s.
1274 61.30, the department shall seek to have the order modified and



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1275 any modification shall be made without a requirement for proof
1276 or showing of a change in circumstances.

1277 Section 16. For the purpose of incorporating the amendment
1278 made by this act to section 409.2564, Florida Statutes, in a
1279 reference thereto, paragraph (c) of subsection (1) of section
1280 61.30, Florida Statutes, is reenacted to read:

1281 61.30 Child support guidelines; retroactive child support.-

1282 (1)

1283 (c) For each support order reviewed by the department as
1284 required by s. 409.2564(11), if the amount of the child support
1285 award under the order differs by at least 10 percent but not
1286 less than \$25 from the amount that would be awarded under s.
1287 61.30, the department shall seek to have the order modified and
1288 any modification shall be made without a requirement for proof
1289 or showing of a change in circumstances.

1290 Section 17. Except as otherwise expressly provided in this
1291 act, this act shall take effect upon becoming a law.