

By the Committees on General Government Appropriations;
Judiciary; and Children, Families, and Elder Affairs; and
Senator Storms

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1 A bill to be entitled
2 An act relating to child support; amending s. 61.13,
3 F.S.; deleting a reference to health insurance in the
4 process for determining a parent's share of an
5 obligation to pay medical support only; providing that
6 an obligor may make child support payments directly to
7 the obligee under certain circumstances; clarifying
8 when income deduction payments are required to be paid
9 to the State Disbursement Unit; amending s. 61.30,
10 F.S.; authorizing the Department of Revenue to submit
11 to the court a written declaration signed under
12 penalty of perjury for the purpose of establishing an
13 obligation for child support; amending s. 382.015,
14 F.S.; requiring the Office of Vital Statistics in the
15 Department of Health to prepare and file a new birth
16 certificate that includes the name of the legal father
17 when a final judgment of dissolution of marriage
18 requires the former husband to pay child support for
19 the child; amending s. 382.016, F.S.; requiring the
20 Office of Vital Statistics to amend a child's birth
21 certificate to include the name of the legal father
22 upon receipt of a marriage license that identifies the
23 child as a child of the marriage; amending s.
24 409.2558, F.S.; requiring the Department of Revenue to
25 process collected funds that are determined to be
26 undistributable in a specified manner; requiring the
27 department to retain as program income de minimis
28 child support collections under \$1; amending s.
29 409.256, F.S.; changing the term "custodian" to

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

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

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

87 (1)

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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
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

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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

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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.

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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
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

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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

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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 made by ~~for all support orders that~~
247 ~~provide for~~ immediate income deduction shall be made to the
248 State Disbursement Unit. The court shall provide a copy of the
249 order 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.

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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 support.-

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

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

275 382.015 New certificates of live birth; duty of clerks of
276 court and department.-The clerk of the court in which any
277 proceeding for adoption, annulment of an adoption, affirmation
278 of parental status, or determination of paternity is to be
279 registered, shall within 30 days after the final disposition,
280 forward to the department a certified copy of the court order,
281 or a report of the proceedings upon a form to be furnished by
282 the department, together with sufficient information to identify
283 the original birth certificate and to enable the preparation of
284 a new birth certificate. The clerk of the court shall implement
285 a monitoring and quality control plan to ensure that all
286 judicial determinations of paternity are reported to the
287 department in compliance with this section. The department shall
288 track paternity determinations reported monthly by county,
289 monitor compliance with the 30-day timeframe, and report the
290 data to the clerks of the court quarterly.

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

303 Section 4. Paragraph (b) of subsection (1) of section
304 382.016, Florida Statutes, is amended to read:

305 382.016 Amendment of records.—The department, upon receipt
306 of the fee prescribed in s. 382.0255; documentary evidence, as
307 specified by rule, of any misstatement, error, or omission
308 occurring in any birth, death, or fetal death record; and an
309 affidavit setting forth the changes to be made, shall amend or
310 replace the original certificate as necessary.

311 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

312 (b) Upon written request and receipt of an affidavit, a
313 notarized voluntary acknowledgment of paternity signed by the
314 mother and father acknowledging the paternity of a registrant
315 born out of wedlock, or a voluntary acknowledgment of paternity
316 that is witnessed by two individuals and signed under penalty of
317 perjury as specified by s. 92.525(2), together with sufficient
318 information to identify the original certificate of live birth,
319 the department shall prepare a new birth certificate, which

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

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349 seal, not to be broken except by order of a court of competent
350 jurisdiction or as otherwise provided by law.

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

353 409.2558 Support distribution and disbursement.—

354 (3) UNDISTRIBUTABLE COLLECTIONS.—

355 (a) The department shall establish by rule the method for
356 determining a collection or refund to be undistributable to the
357 final intended recipient. Before determining a collection or
358 refund to be undistributable, the department shall make
359 reasonable efforts to locate persons to whom collections or
360 refunds are owed so that payment can be made. Location efforts
361 may include disclosure through a searchable database of the
362 names of obligees, obligors, and depository account numbers on
363 the Internet in compliance with the requirements of s.
364 119.01(2)(a).

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

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

370 2. Apply the payment to any financial liability incurred by
371 the obligor as a result of an overpayment to the obligor which
372 the obligor has failed to return to the department after notice;
373 then

374 3. Apply the payment to any financial liability incurred by
375 the obligee as a result of an overpayment to the obligee which
376 the obligee has failed to return to the department after notice;
377 then

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378 ~~4.1.~~ Apply the payment to any assigned arrears on the
379 obligee's case; then

380 ~~5.2.~~ Apply the payment to any administrative costs ordered
381 by the court pursuant to s. 409.2567 associated with the
382 obligee's case; then

383 ~~6.3.~~ When the obligor is subject to a valid order to
384 support another child in a case with a different obligee and the
385 obligation is being enforced by the department, the department
386 shall send by certified mail, restricted delivery, return
387 receipt requested, to the obligor at the most recent address
388 provided by the obligor to the tribunal that issued the order, a
389 notice stating the department's intention to apply the payment
390 pursuant to this subparagraph, and advising the obligor of the
391 right to contest the department's proposed action in the circuit
392 court by filing and serving a petition on the department within
393 30 days after the mailing of the notice. If the obligor does not
394 file and serve a petition within the 30 days after mailing of
395 the notice, or upon a disposition of the judicial action
396 favorable to the department, the department shall apply the
397 payment toward his or her other support obligation. If there is
398 more than one such other case, the department shall allocate the
399 remaining undistributable amount as specified by s.
400 61.1301(4)(c); then

401 ~~7.4.~~ Return the payment to the obligor; then

402 ~~8.5.~~ If the obligor cannot be located after diligent
403 efforts by the department, the federal share of the payment
404 shall be credited to the Federal Government and the state share
405 shall be transferred to the General Revenue Fund.

406 (c) Refunds to obligors that are determined to be

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407 undistributable shall be processed in the following manner:

408 1. The federal share of the refund shall be sent to the
409 Federal Government.

410 2. The state share shall be credited to the General Revenue
411 Fund.

412 (d) If a payment of less than \$1 is made by a paper check
413 on an open Title IV-D case and the payment is not cashed after
414 180 days, or if less than \$1 is owed on a closed Title IV-D
415 case, the department shall declare the payment as program
416 income, crediting the federal share of the payment to the
417 Federal Government and the state share of the payment to the
418 General Revenue Fund, without attempting to locate either party.

419 Section 6. Section 409.256, Florida Statutes, is amended to
420 read:

421 409.256 Administrative proceeding to establish paternity or
422 paternity and child support; order to appear for genetic
423 testing.—

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

425 (a) "Another state" or "other state" means a state of the
426 United States, the District of Columbia, Puerto Rico, the United
427 States Virgin Islands, or any territory or insular possession
428 subject to the jurisdiction of the United States. The term
429 includes:

430 1. An Indian tribe.

431 2. A foreign jurisdiction that has enacted a law or
432 established procedures for issuance and enforcement of support
433 orders which are substantially similar to the procedures under
434 this act, the Uniform Reciprocal Enforcement of Support Act, or
435 the Revised Uniform Reciprocal Enforcement of Support Act, as

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436 determined by the Attorney General.

437 (b) "Caregiver" ~~"Custodian"~~ means a person, other than the
438 mother, father, or a putative father, who has physical custody
439 of a child or with whom the child primarily resides. References
440 in this section to the obligation of a caregiver ~~custodian~~ to
441 submit to genetic testing mean that the caregiver ~~custodian~~ is
442 obligated to submit the child for genetic testing, not that the
443 caregiver ~~custodian~~ must submit to genetic testing.

444 (c) "Filed" means a document has been received and accepted
445 for filing at the offices of the Department of Revenue by the
446 clerk or an authorized deputy clerk designated by the
447 department.

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

452 (e) "Paternity and child support proceeding" means an
453 administrative action commenced by the Department of Revenue to
454 order genetic testing, establish paternity, and establish an
455 administrative support order pursuant to this section.

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

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

463 (h) "Qualified technical laboratory" means a genetic-
464 testing laboratory that may be under contract with the

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465 Department of Revenue, that uses tests and methods of a type
466 generally acknowledged as reliable by accreditation
467 organizations recognized by the United States Department of
468 Health and Human Services, and that is approved by such an
469 accreditation organization. The term includes a genetic-testing
470 laboratory used by another state, if the laboratory has
471 comparable qualifications.

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

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

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

481 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO
482 THE COURTS.—

483 (a) The department ~~of Revenue~~ may commence a paternity
484 proceeding or a paternity and child support proceeding as
485 provided in subsection (4) if:

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

487 2. No one is named as the father on the child's birth
488 certificate or the person named as the father is the putative
489 father named in an affidavit or a written declaration as
490 provided in subparagraph 5.

491 3. The child's mother was unmarried when the child was
492 conceived and born.

493 4. The department ~~of Revenue~~ is providing services under

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494 Title IV-D.

495 5. The child's mother or a putative father has stated in an
496 affidavit, or in a written declaration as provided in s.
497 92.525(2), that the putative father is or may be the child's
498 biological father. The affidavit or written declaration must set
499 forth the factual basis for the allegation of paternity as
500 provided in s. 742.12(2).

501 (b) If the department ~~of Revenue~~ receives a request from
502 another state to assist in the establishment of paternity, the
503 department may serve an order to appear for genetic testing on a
504 person who resides in this state and transmit the test results
505 to the other state without commencing a paternity proceeding in
506 this state.

507 (c) The department ~~of Revenue~~ may use the procedures
508 authorized by this section against a nonresident over whom this
509 state may assert personal jurisdiction under chapter 48 or
510 chapter 88.

511 (d) If a putative father, mother, or caregiver ~~custodian~~ in
512 a Title IV-D case voluntarily submits to genetic testing, the
513 department ~~of Revenue~~ may schedule that individual or the child
514 for genetic testing without serving that individual with an
515 order to appear for genetic testing. A respondent or other
516 person who is subject to an order to appear for genetic testing
517 may waive, in writing or on the record at an administrative
518 hearing, formal service of notices or orders or waive any other
519 rights or time periods prescribed by this section.

520 (e) Whenever practicable, hearings held by the Division of
521 Administrative Hearings pursuant to this section shall be held
522 in the judicial circuit where the person receiving services

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523 under Title IV-D resides or, if the person receiving services
524 under Title IV-D does not reside in this state, in the judicial
525 circuit where the respondent resides. If the department ~~of~~
526 ~~Revenue~~ and the respondent agree, the hearing may be held in
527 another location. If ordered by the administrative law judge,
528 the hearing may be conducted telephonically or by
529 videoconference.

530 (f) The Legislature does not intend to limit the
531 jurisdiction of the circuit courts to hear and determine issues
532 regarding establishment of paternity. This section is intended
533 to provide the department ~~of Revenue~~ with an alternative
534 procedure for establishing paternity and child support
535 obligations in Title IV-D cases. This section does not prohibit
536 a person who has standing from filing a civil action in circuit
537 court for a determination of paternity or of child support
538 obligations.

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

541 (3) MULTIPLE PUTATIVE FATHERS; MULTIPLE CHILDREN.—If more
542 than one putative father has been named, the department ~~of~~
543 ~~Revenue~~ may proceed under this section against a single putative
544 father or may proceed simultaneously against more than one
545 putative father. If a putative father has been named as a
546 possible father of more than one child born to the same mother,
547 the department may proceed to establish the paternity of each
548 child in the same proceeding.

549 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
550 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
551 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue

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552 shall commence a proceeding to determine paternity, or a
553 proceeding to determine both paternity and child support, by
554 serving the respondent with a notice as provided in this
555 section. An order to appear for genetic testing may be served at
556 the same time as a notice of the proceeding or may be served
557 separately. A copy of the affidavit or written declaration upon
558 which the proceeding is based shall be provided to the
559 respondent when notice is served. A notice or order to appear
560 for genetic testing shall be served by certified mail,
561 restricted delivery, return receipt requested, or in accordance
562 with the requirements for service of process in a civil action.
563 Service by certified mail is completed when the certified mail
564 is received or refused by the addressee or by an authorized
565 agent as designated by the addressee in writing. If a person
566 other than the addressee signs the return receipt, the
567 department shall attempt to reach the addressee by telephone to
568 confirm whether the notice was received, and the department
569 shall document any telephonic communications. If someone other
570 than the addressee signs the return receipt, the addressee does
571 not respond to the notice, and the department is unable to
572 confirm that the addressee has received the notice, service is
573 not completed and the department shall attempt to have the
574 addressee served personally. For purposes of this section, an
575 employee or an authorized agent of the department may serve the
576 notice or order to appear for genetic testing and execute an
577 affidavit of service. The department may serve an order to
578 appear for genetic testing on a caregiver ~~custodian~~. The
579 department shall provide a copy of the notice or order to appear
580 by regular mail to the mother and caregiver ~~custodian~~, if they

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581 are not respondents.

582 (a) A notice of proceeding to establish paternity must
583 state:

584 1. That the department has commenced an administrative
585 proceeding to establish whether the putative father is the
586 biological father of the child named in the notice.

587 2. The name and date of birth of the child and the name of
588 the child's mother.

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

592 4. That the respondent is required to submit to genetic
593 testing.

594 5. That genetic testing will establish either a high degree
595 of probability that the putative father is the biological father
596 of the child or that the putative father cannot be the
597 biological father of the child.

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

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

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

607 b. Commence a proceeding, as provided in s. 409.2563, to
608 establish an administrative support order for the child. Notice
609 of the proceeding shall be provided to the respondent by regular

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610 mail.

611 8. That, if the genetic test results indicate a statistical
612 probability of paternity that equals or exceeds 99 percent and a
613 proceeding to establish an administrative support order is
614 commenced, the department shall issue a proposed order that
615 addresses paternity and child support. The respondent may
616 consent to or contest the proposed order at an administrative
617 hearing.

618 9. That if a proposed order of paternity or proposed order
619 of both paternity and child support is not contested, the
620 department shall adopt the proposed order and render a final
621 order that establishes paternity and, if appropriate, an
622 administrative support order for the child.

623 10. That, until the proceeding is ended, the respondent
624 shall notify the department in writing of any change in the
625 respondent's mailing address and that the respondent shall be
626 deemed to have received any subsequent order, notice, or other
627 paper mailed to the most recent address provided or, if a more
628 recent address is not provided, to the address at which the
629 respondent was served, and that this requirement continues if
630 the department renders a final order that establishes paternity
631 and a support order for the child.

632 11. That the respondent may file an action in circuit court
633 for a determination of paternity, child support obligations, or
634 both.

635 12. That if the respondent files an action in circuit court
636 and serves the department with a copy of the petition or
637 complaint within 20 days after being served notice under this
638 subsection, the administrative process ends without prejudice

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639 and the action must proceed in circuit court.

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

643

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

646 (b) A notice of proceeding to establish paternity and child
647 support must state the requirements of paragraph (a), except for
648 subparagraph (a)7., and must state the requirements of s.
649 409.2563(4), to the extent that the requirements of s.
650 409.2563(4) are not already required by and do not conflict with
651 this subsection. This section and s. 409.2563 apply to a
652 proceeding commenced under this subsection.

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

655 1. That the department has commenced an administrative
656 proceeding to establish whether the putative father is the
657 biological father of the child.

658 2. The name and date of birth of the child and the name of
659 the child's mother.

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

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

665 5. That if the person has custody of the child whose
666 paternity is the subject of the proceeding, the person must
667 submit the child for genetic testing.

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

674 7. That if the person ordered to appear submits to genetic
675 testing, the department shall pay the cost of the genetic
676 testing and shall provide the person ordered to appear with a
677 copy of any test results obtained.

678 8. That if the person ordered to appear does not appear as
679 ordered or refuses to submit to genetic testing without good
680 cause, the department may take one or more of the following
681 actions:

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

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

687 c. File a petition in circuit court to establish paternity
688 and obtain a support order for the child and an order for costs
689 against the person ordered to appear, including costs for
690 genetic testing.

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

695 (d) If the putative father is incarcerated, the
696 correctional facility shall assist the putative father in

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697 complying with an administrative order to appear for genetic
698 testing issued under this section.

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

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

702 (a) The person ordered to appear may contest an order to
703 appear for genetic testing by filing a written request for
704 informal review with the department ~~of Revenue~~ within 15 days
705 after the date of service of the order. The purpose of the
706 informal review is to provide the person ordered to appear with
707 an opportunity to discuss the proceedings and the basis of the
708 order. At the conclusion of the informal review, the department
709 shall notify the person ordered to appear, in writing, whether
710 it intends to proceed with the order to appear. If the
711 department notifies the person ordered to appear of its intent
712 to proceed, the notice must inform the person ordered to appear
713 of the right to contest the order at an administrative hearing.

714 (b) Following an informal review, within 15 days after the
715 mailing date of the department's ~~Department of Revenue's~~
716 notification that the department shall proceed with an order to
717 appear for genetic testing, the person ordered to appear may
718 file a request for an administrative hearing to contest whether
719 the person should be required to submit to genetic testing. A
720 request for an administrative hearing must state the specific
721 reasons why the person ordered to appear believes he or she
722 should not be required to submit to genetic testing as ordered.
723 If the person ordered to appear files a timely request for a
724 hearing, the department shall refer the hearing request to the
725 Division of Administrative Hearings. Unless otherwise provided

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726 in this section, administrative hearings are governed by chapter
727 120 and the uniform rules of procedure. The administrative law
728 judge assigned to the case shall issue an order as to whether
729 the person must submit to genetic testing in accordance with the
730 order to appear. The department or the person ordered to appear
731 may seek immediate judicial review under s. 120.68 of an order
732 issued by an administrative law judge pursuant to this
733 paragraph.

734 (c) If a timely request for an informal review or an
735 administrative hearing is filed, the department may not proceed
736 under the order to appear for genetic testing and may not impose
737 sanctions for failure or refusal to submit to genetic testing
738 until:

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

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

744 3. The Division of Administrative Hearings issues an order
745 that the person must submit to genetic testing, or issues an
746 order closing the division's file, and that an order has become
747 final.

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

752 (6) SCHEDULING OF GENETIC TESTING.—

753 (a) The department ~~of Revenue~~ shall notify, in writing, the
754 person ordered to appear of the date, time, and location of the

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755 appointment for genetic testing and of the requirement to verify
756 his or her identity and the identity of the child, if
757 applicable, when the samples are provided by presenting a form
758 of identification as prescribed in s. 117.05(5)(b)2. which ~~that~~
759 bears the photograph of the person who is providing the sample
760 or other form of verification approved by the department. If the
761 person ordered to appear is the putative father or the mother,
762 that person shall appear and submit to genetic testing. If the
763 person ordered to appear is a caregiver ~~custodian~~, or if the
764 putative father or the mother has custody of the child, that
765 person must submit the child for genetic testing.

766 (b) The department shall reschedule genetic testing:

767 1. One time without cause if, in advance of the initial
768 test date, the person ordered to appear requests the department
769 to reschedule the test.

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

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

775
776 A claim of good cause for failure to appear shall be filed with
777 the department within 10 days after the scheduled test date and
778 must state the facts and circumstances supporting the claim. The
779 department shall notify the person ordered to appear, in
780 writing, whether it accepts or rejects the person's claim of
781 good cause. There is not a separate right to a hearing on the
782 department's decision to accept or reject the claim of good
783 cause because the person ordered to appear may raise good cause

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784 as a defense to any proceeding initiated by the department under
785 subsection (7).

786 (c) A person ordered to appear may obtain a second genetic
787 test by filing a written request for a second test with the
788 department within 15 days after the date of mailing of the
789 initial genetic testing results and by paying the department in
790 advance for the full cost of the second test.

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

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

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

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

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

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

811
812 As provided in s. 322.058(2), a suspended driver's license and

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813 motor vehicle registration may be reinstated when the person
814 ordered to appear complies with the order to appear for genetic
815 testing. The department may collect an administrative fine
816 imposed under this subsection by using civil remedies or other
817 statutory means available to the department for collecting
818 support.

819 (8) GENETIC-TESTING RESULTS.—The department shall send a
820 copy of the genetic-testing results to the putative father, to
821 the mother, to the caregiver ~~custodian~~, and to the other state,
822 if applicable. If the genetic-testing results, including second
823 or subsequent genetic-testing results, do not indicate a
824 statistical probability of paternity that equals or exceeds 99
825 percent, the paternity proceeding in connection with that child
826 shall cease.

827 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF PROCEEDING
828 TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED ORDER OF
829 PATERNITY AND CHILD SUPPORT.—

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

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

836 2. If appropriate, delay issuing a proposed order of
837 paternity and commence, by regular mail, an administrative
838 proceeding to establish a support order for the child pursuant
839 to s. 409.2563 and issue a single proposed order that addresses
840 paternity and child support.

841 (b) A proposed order of paternity must:

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

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

844 3. Include notice of the respondent's right to informal
845 review and to contest the proposed order of paternity at an
846 administrative hearing.

847 (c) If a paternity and child support proceeding has been
848 commenced under this section and the results of genetic testing
849 indicate a statistical probability of paternity that equals or
850 exceeds 99 percent, the department ~~of Revenue~~ may issue a single
851 proposed order that addresses paternity as provided in this
852 section and child support as provided in s. 409.2563.

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

857 (10) INFORMAL REVIEW; ADMINISTRATIVE HEARING; PRESUMPTION
858 OF PATERNITY.—

859 (a) Within 10 days after the date of mailing or other
860 service of a proposed order of paternity, the respondent may
861 contact a representative of the department ~~of Revenue~~ at the
862 address or telephone number provided to request an informal
863 review of the proposed order. If an informal review is timely
864 requested, the time for requesting a hearing is extended until
865 10 days after the department mails notice to the respondent that
866 the informal review has been concluded.

867 (b) Within 20 days after the mailing date of the proposed
868 order or within 10 days after the mailing date of notice that an
869 informal review has been concluded, whichever is later, the
870 respondent may request an administrative hearing by filing a

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871 written request for a hearing with the department ~~of Revenue~~. A
872 request for a hearing must state the specific objections to the
873 proposed order, the specific objections to the genetic testing
874 results, or both. A respondent who fails to file a timely
875 request for a hearing is deemed to have waived the right to a
876 hearing.

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

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

894 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
895 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
896 STATISTICS.—

897 (a) If a hearing is held, the administrative law judge of
898 the Division of Administrative Hearings shall issue a final
899 order that adjudicates paternity or, if appropriate, paternity

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900 and child support. A final order of the administrative law judge
901 constitutes final agency action by the Department of Revenue.
902 The Division of Administrative Hearings shall transmit any such
903 order to the department for filing and rendering.

904 (b) If the respondent does not file a timely request for a
905 hearing or consents in writing to entry of a final order without
906 a hearing, the department ~~of Revenue~~ may render a final order of
907 paternity or a final order of paternity and child support, as
908 appropriate.

909 (c) The department ~~of Revenue~~ shall mail a copy of the
910 final order to the putative father, the mother, and the
911 caregiver custodian, if any. The department shall notify the
912 respondent of the right to seek judicial review of a final order
913 in accordance with s. 120.68.

914 (d) Upon rendering a final order of paternity or a final
915 order of paternity and child support, the department ~~of Revenue~~
916 shall notify the Division of Vital Statistics of the Department
917 of Health that the paternity of the child has been established.

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

921 (f) The provisions of s. 409.2563 which ~~that~~ apply to a
922 final administrative support order rendered under that section
923 apply to a final order rendered under this section when a child
924 support obligation is established.

925 (12) RIGHT TO JUDICIAL REVIEW.—A respondent has the right
926 to seek judicial review, in accordance with s. 120.68, of a
927 final order rendered under subsection (11) and an order issued
928 under paragraph (5) (b). The department ~~of Revenue~~ has the right

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929 to seek judicial review, in accordance with s. 120.68, of a
930 final order issued by an administrative law judge under
931 subsection (11) and an order issued by an administrative law
932 judge under paragraph (5) (b).

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

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

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

950 (16) REMEDIES SUPPLEMENTAL.—The remedies provided in this
951 section are supplemental and in addition to other remedies
952 available to the department for the establishment of paternity
953 and child support obligations.

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

956 Section 7. Paragraph (b) of subsection (1), paragraph (d)
957 of subsection (2), subsection (4), paragraphs (a) and (b) of

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958 subsection (5), and subsections (6), (7), and (13) of section
959 409.2563, Florida Statutes, are amended to read:

960 409.2563 Administrative establishment of child support
961 obligations.—

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

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

967
968 Other terms used in this section have the meanings ascribed in
969 ss. 61.046 and 409.2554.

970 (2) PURPOSE AND SCOPE.—

971 (d) Either parent, or a caregiver ~~caretaker relative~~ if
972 applicable, may at any time file a civil action in a circuit
973 court having jurisdiction and proper venue to determine parental
974 support obligations, if any. A support order issued by a circuit
975 court prospectively supersedes an administrative support order
976 rendered by the department.

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

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

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

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

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

996 (e) That both parents, or parent and caregiver ~~caretaker~~
997 ~~relative~~ if applicable, are required to promptly notify the
998 department of any change in their mailing addresses to ensure
999 receipt of all subsequent pleadings, notices, and orders, as
1000 provided by paragraph (13) (c);

1001 (f) That the department will calculate support obligations
1002 based on the child support guidelines schedule in s. 61.30 and
1003 using all available information, as provided by paragraph
1004 (5) (a), and will incorporate such obligations into a proposed
1005 administrative support order;

1006 (g) That the department will send by regular mail to both
1007 parents, or parent and caregiver ~~caretaker~~ ~~relative~~ if
1008 applicable, a copy of the proposed administrative support order,
1009 the department's child support worksheet, and any financial
1010 affidavits submitted by a parent or prepared by the department;

1011 (h) That the parent from whom support is being sought may
1012 file a request for a hearing in writing within 20 days after the
1013 date of mailing or other service of the proposed administrative
1014 support order or will be deemed to have waived the right to
1015 request a hearing;

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1016 (i) That unless the department refers the proceeding to the
1017 Division of Administrative Hearings or if the parent from whom
1018 support is being sought does not file a timely request for
1019 hearing after service of the proposed administrative support
1020 order, the department will issue an administrative support order
1021 that incorporates the findings of the proposed administrative
1022 support order, and will send by regular mail a copy of the
1023 administrative support order to both parents, or parent and
1024 caregiver ~~caretaker~~ ~~relative~~ if applicable;

1025 (j) That after an administrative support order is rendered,
1026 the department will file a copy of the order with the clerk of
1027 the circuit court;

1028 (k) That after an administrative support order is rendered,
1029 the department may enforce the administrative support order by
1030 any lawful means;

1031 (l) That the department may refer the proceeding to the
1032 Division of Administrative Hearings for a determination of the
1033 support obligation, if any.

1034 (m) ~~(l)~~ That either parent, or caregiver ~~caretaker~~ ~~relative~~
1035 if applicable, may file at any time a civil action in a circuit
1036 court having jurisdiction and proper venue to determine parental
1037 support obligations, if any, and that a support order issued by
1038 a circuit court supersedes an administrative support order
1039 rendered by the department;

1040 (n) ~~(m)~~ That, neither the department nor the Division of
1041 Administrative Hearings has jurisdiction to award or change
1042 child custody or rights of parental contact or time-sharing, and
1043 these issues may ~~only~~ be addressed only in circuit court.

1044 1. The parent from whom support is being sought may request

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1045 in writing that the department proceed in circuit court to
1046 determine his or her support obligations.

1047 2. The parent from whom support is being sought may state
1048 in writing to the department his or her intention to address
1049 issues concerning custody or rights to parental contact in
1050 circuit court.

1051 3. If the parent from whom support is being sought submits
1052 the request authorized in subparagraph 1., or the statement
1053 authorized in subparagraph 2. to the department within 20 days
1054 after the receipt of the initial notice, the department shall
1055 file a petition in circuit court for the determination of the
1056 parent's child support obligations, and shall send to the parent
1057 from whom support is being sought a copy of its petition, a
1058 notice of commencement of action, and a request for waiver of
1059 service of process as provided in the Florida Rules of Civil
1060 Procedure.

1061 4. If, within 10 days after receipt of the department's
1062 petition and waiver of service, the parent from whom support is
1063 being sought signs and returns the waiver of service form to the
1064 department, the department shall terminate the administrative
1065 proceeding without prejudice and proceed in circuit court.

1066 5. In any circuit court action filed by the department
1067 pursuant to this paragraph or filed by a parent from whom
1068 support is being sought or other person pursuant to paragraph
1069 (m) ~~(l)~~ or paragraph (o) ~~(n)~~, the department shall be a party
1070 only with respect to those issues of support allowed and
1071 reimbursable under Title IV-D of the Social Security Act. It is
1072 the responsibility of the parent from whom support is being
1073 sought or other person to take the necessary steps to present

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1074 other issues for the court to consider.

1075 (o)~~(n)~~ That if the parent from whom support is being sought
1076 files an action in circuit court and serves the department with
1077 a copy of the petition within 20 days after being served notice
1078 under this subsection, the administrative process ends without
1079 prejudice and the action must proceed in circuit court;

1080 (p)~~(e)~~ Information provided by the Office of State Courts
1081 Administrator concerning the availability and location of self-
1082 help programs for those who wish to file an action in circuit
1083 court but who cannot afford an attorney.

1084

1085 The department may serve the notice of proceeding to establish
1086 administrative support order by certified mail, restricted
1087 delivery, return receipt requested. Alternatively, the
1088 department may serve the notice by any means permitted for
1089 service of process in a civil action. For purposes of this
1090 section, an authorized employee of the department may serve the
1091 notice and execute an affidavit of service. Service by certified
1092 mail is completed when the certified mail is received or refused
1093 by the addressee or by an authorized agent as designated by the
1094 addressee in writing. If a person other than the addressee signs
1095 the return receipt, the department shall attempt to reach the
1096 addressee by telephone to confirm whether the notice was
1097 received, and the department shall document any telephonic
1098 communications. If someone other than the addressee signs the
1099 return receipt, the addressee does not respond to the notice,
1100 and the department is unable to confirm that the addressee has
1101 received the notice, service is not completed and the department
1102 shall attempt to have the addressee served personally. The

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1103 department shall provide the parent from whom support is not
1104 being sought or the caregiver ~~caretaker~~ relative with a copy of
1105 the notice by regular mail to the last known address of the
1106 parent from whom support is not being sought or caregiver
1107 ~~caretaker~~.

1108 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

1109 (a) After serving notice upon a parent in accordance with
1110 subsection (4), the department shall calculate that parent's
1111 child support obligation under the child support guidelines
1112 schedule as provided by s. 61.30, based on any timely financial
1113 affidavits received and other information available to the
1114 department. If either parent fails to comply with the
1115 requirement to furnish a financial affidavit, the department may
1116 proceed on the basis of information available from any source,
1117 if such information is sufficiently reliable and detailed to
1118 allow calculation of guideline schedule amounts under s. 61.30.
1119 If a parent receives public assistance and fails to submit a
1120 financial affidavit, the department may submit a financial
1121 affidavit or written declaration for that parent pursuant to s.
1122 61.30(15). If there is a lack of sufficient reliable information
1123 concerning a parent's actual earnings for a current or past
1124 period, it shall be presumed for the purpose of establishing a
1125 support obligation that the parent had an earning capacity equal
1126 to the federal minimum wage during the applicable period.

1127 (b) The department shall send by regular mail to both
1128 parents, or to a parent and caregiver ~~caretaker~~ relative if
1129 applicable, copies of the proposed administrative support order,
1130 its completed child support worksheet, and any financial
1131 affidavits submitted by a parent or prepared by the department.

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1132 The proposed administrative support order must contain the same
1133 elements as required for an administrative support order under
1134 paragraph (7) (e).

1135 (6) HEARING.—If the parent from whom support is being
1136 sought files a timely request for hearing or the department
1137 determines that an evidentiary hearing is appropriate, the
1138 department shall refer the proceeding ~~hearing request~~ to the
1139 Division of Administrative Hearings. Unless otherwise provided
1140 by this section, chapter 120 and the Uniform Rules of Procedure
1141 shall govern the conduct of the proceedings. The administrative
1142 law judge shall consider all available and admissible
1143 information and any presumptions that apply as provided by
1144 paragraph (5) (a).

1145 (7) ADMINISTRATIVE SUPPORT ORDER.—

1146 (a) If a hearing is held, the administrative law judge of
1147 the Division of Administrative Hearings shall issue an
1148 administrative support order, or a final order denying an
1149 administrative support order, which constitutes final agency
1150 action by the department. The Division of Administrative
1151 Hearings shall transmit any such order to the department for
1152 filing and rendering.

1153 (b) If the parent from whom support is being sought does
1154 not file a timely request for a hearing, the parent will be
1155 deemed to have waived the right to request a hearing.

1156 (c) If the parent from whom support is being sought waives
1157 the right to a hearing, or consents in writing to the entry of
1158 an order without a hearing, the department may render an
1159 administrative support order.

1160 (d) The department shall send by regular mail a copy of the

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1161 administrative support order, or the final order denying an
1162 administrative support order, to both parents, or a parent and
1163 caregiver ~~caretaker~~ relative if applicable. The parent from whom
1164 support is being sought shall be notified of the right to seek
1165 judicial review of the administrative support order in
1166 accordance with s. 120.68.

1167 (e) An administrative support order must comply with ss.
1168 61.13(1) and 61.30. The department shall develop a standard form
1169 or forms for administrative support orders. An administrative
1170 support order must provide and state findings, if applicable,
1171 concerning:

1172 1. The full name and date of birth of the child or
1173 children;

1174 2. The name of the parent from whom support is being sought
1175 and the other parent or caregiver ~~caretaker~~ relative;

1176 3. The parent's duty and ability to provide support;

1177 4. The amount of the parent's monthly support obligation;

1178 5. Any obligation to pay retroactive support;

1179 6. The parent's obligation to provide for the health care
1180 needs of each child, whether through health insurance,
1181 contribution toward ~~towards~~ the cost of health insurance,
1182 payment or reimbursement of health care expenses for the child,
1183 or any combination thereof;

1184 7. The beginning date of any required monthly payments and
1185 health insurance;

1186 8. That all support payments ordered must be paid to the
1187 Florida State Disbursement Unit as provided by s. 61.1824;

1188 9. That the parents, or caregiver ~~caretaker~~ relative if
1189 applicable, must file with the department when the

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1190 administrative support order is rendered, if they have not
1191 already done so, and update as appropriate the information
1192 required pursuant to paragraph (13) (b);

1193 10. That both parents, or parent and caregiver ~~caretaker~~
1194 ~~relative~~ if applicable, are required to promptly notify the
1195 department of any change in their mailing addresses pursuant to
1196 paragraph (13) (c); and

1197 11. That if the parent ordered to pay support receives
1198 unemployment compensation benefits, the payor shall withhold,
1199 and transmit to the department, 40 percent of the benefits for
1200 payment of support, not to exceed the amount owed.

1201
1202 An income deduction order as provided by s. 61.1301 must be
1203 incorporated into the administrative support order or, if not
1204 incorporated into the administrative support order, the
1205 department or the Division of Administrative Hearings shall
1206 render a separate income deduction order.

1207 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
1208 ADDRESS OF RECORD.—In all proceedings pursuant to this section:

1209 (a) Each parent must execute and furnish to the department,
1210 no later than 20 days after receipt of the notice of proceeding
1211 to establish administrative support order, a financial affidavit
1212 in the form prescribed by the department. An updated financial
1213 affidavit must be executed and furnished to the department at
1214 the inception of each proceeding to modify an administrative
1215 support order. A caregiver is ~~caretaker relatives~~ are not
1216 required to furnish a financial affidavit ~~affidavits~~.

1217 (b) Each parent and caregiver, ~~caretaker relative~~ if
1218 applicable, shall disclose to the department, no later than 20

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1219 days after receipt of the notice of proceeding to establish
1220 administrative support order, and update as appropriate,
1221 information regarding his or her identity and location,
1222 including names he or she is known by; social security number;
1223 residential and mailing addresses; telephone numbers; driver's
1224 license numbers; and names, addresses, and telephone numbers of
1225 employers. Pursuant to the federal Personal Responsibility and
1226 Work Opportunity Reconciliation Act of 1996, each person must
1227 provide his or her social security number in accordance with
1228 this section. Disclosure of social security numbers obtained
1229 through this requirement shall be limited to the purpose of
1230 administration of the Title IV-D program for child support
1231 enforcement.

1232 (c) Each parent and caregiver ~~caretaker~~ relative, if
1233 applicable, has a continuing obligation to promptly inform the
1234 department in writing of any change in his or her mailing
1235 address to ensure receipt of all subsequent pleadings, notices,
1236 payments, statements, and orders, and receipt is presumed if
1237 sent by regular mail to the most recent address furnished by the
1238 person.

1239 Section 8. Effective October 1, 2010, subsection (7) of
1240 section 409.25635, Florida Statutes, is amended to read:

1241 409.25635 Determination and collection of noncovered
1242 medical expenses.—

1243 (7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.—Any
1244 administrative remedy available for collection of support may be
1245 used to collect noncovered medical expenses that are determined
1246 or established under this section. The department may collect
1247 noncovered medical expenses in installments by adding a periodic

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1248 payment to an income deduction notice issued by the department.

1249 Section 9. Effective November 1, 2010, subsections (4) and
1250 (11) of section 409.2564, Florida Statutes, are amended to read:

1251 409.2564 Actions for support.—

1252 (4) Whenever the Department of Revenue has undertaken an
1253 action for enforcement of support, the Department of Revenue may
1254 enter into an agreement with the obligor for the entry of a
1255 judgment determining paternity, if applicable, and for periodic
1256 child support payments based on the child support guidelines
1257 schedule in s. 61.30. Before ~~Prior to~~ entering into this
1258 agreement, the obligor shall be informed that a judgment will be
1259 entered based on the agreement. The clerk of the court shall
1260 file the agreement without the payment of any fees or charges,
1261 and the court, upon entry of the judgment, shall forward a copy
1262 of the judgment to the parties to the action. ~~To encourage out-~~
1263 ~~of-court settlement and promote support order compliance, if the~~
1264 ~~obligor and the Department of Revenue agree on entry of a~~
1265 ~~support order and its terms, the guideline amount owed for~~
1266 ~~retroactive support that is permanently assigned to the state~~
1267 ~~shall be reduced by 25 percent.~~

1268 (11) (a) The Department of Revenue ~~Title IV-D~~ agency shall
1269 review child support orders in IV-D cases at least once every 3
1270 years when requested ~~upon request~~ by either party, or when
1271 support rights are assigned ~~the agency in cases where there is~~
1272 ~~an assignment of support~~ to the state under s. 414.095(7), and
1273 may seek modification ~~adjustment~~ of the order if appropriate
1274 under the child support guidelines ~~schedule established~~ in s.
1275 61.30. Not less than once every 3 years the department ~~IV-D~~
1276 ~~agency~~ shall provide notice to the parties subject to the order

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1277 informing them of their right to request a review and, if
1278 appropriate, a modification ~~an adjustment~~ of the child support
1279 order. ~~The said~~ notice requirement may be met by including
1280 appropriate language in the initial support order or any
1281 subsequent orders.

1282 (b) If the department's review of a support order entered
1283 by the circuit court indicates that the order should be
1284 modified, the department, through counsel, shall file a petition
1285 to modify the order with the court. Along with the petition, the
1286 department shall file a child support guideline worksheet, any
1287 financial affidavits received from the parties or completed by
1288 the department as part of the support order review, and a
1289 proposed modified order. A copy of the petition, proposed order,
1290 and other documents shall be served by regular mail on a party
1291 who requested review of a support order. A party who did not
1292 request review of a support order shall be served by registered
1293 mail, restricted delivery, or shall be served personally in any
1294 manner authorized by chapter 48.

1295 (c) If a timely objection or request for a hearing is not
1296 filed with the court, the court may modify the support order
1297 after an evidentiary hearing.

1298 (d) If a support order does not provide for payment of
1299 noncovered medical expenses or require health insurance for the
1300 minor child and it is accessible to the child and available at
1301 reasonable cost, the department shall seek to have the order
1302 modified, and any modification shall be made after an
1303 evidentiary hearing.

1304 Section 10. Subsection (5) of section 409.2567, Florida
1305 Statutes, is amended to read:

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1306 409.2567 Services to individuals not otherwise eligible.—

1307 (5) The Department of Revenue may ~~shall~~ seek a waiver from
1308 the Secretary of the United States Department of Health and
1309 Human Services to authorize the Department of Revenue to provide
1310 services in accordance with Title IV-D of the Social Security
1311 Act to individuals who are owed support without need of an
1312 application. The department may seek a waiver if it determines
1313 that the estimated increase in federal funding to the state
1314 derived from the waiver would exceed any additional cost to the
1315 state if the waiver is granted. If the waiver is granted, the
1316 Department of Revenue shall adopt rules to implement the waiver
1317 and begin providing Title IV-D services if support payments are
1318 not being paid as ordered, except that the individual first must
1319 be given written notice of the right to refuse Title IV-D
1320 services and a reasonable opportunity to respond.

1321 Section 11. Subsection (3) of section 409.259, Florida
1322 Statutes, is amended to read:

1323 409.259 Filing fees in Title IV-D cases; electronic filing
1324 of pleadings, returns of service, and other papers.—

1325 (3) The clerks of the circuit court, chief judges through
1326 the Office of the State Courts Administrator, sheriffs, Office
1327 of the Attorney General, and Department of Revenue shall ~~work~~
1328 ~~cooperatively to~~ implement electronic filing of pleadings,
1329 returns of service, and other papers ~~with the clerks of the~~
1330 ~~circuit court~~ in Title IV-D cases upon completion of the Child
1331 Support Automated Management System II ~~by October 1, 2009.~~

1332 Section 12. Paragraph (a) of subsection (20) of section
1333 409.910, Florida Statutes, is amended to read:

1334 409.910 Responsibility for payments on behalf of Medicaid-

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1335 eligible persons when other parties are liable.—

1336 (20) Entities providing health insurance as defined in s.
1337 624.603, health maintenance organizations and prepaid health
1338 clinics as defined in chapter 641, and, on behalf of their
1339 clients, third-party administrators and pharmacy benefits
1340 managers as defined in s. 409.901(27) shall provide such records
1341 and information as are necessary to accomplish the purpose of
1342 this section, unless such requirement results in an unreasonable
1343 burden.

1344 (a) The director of the agency and the Director of the
1345 Office of Insurance Regulation of the Financial Services
1346 Commission shall enter into a cooperative agreement for
1347 requesting and obtaining information necessary to effect the
1348 purpose and objective of this section.

1349 1. The agency shall request only that information necessary
1350 to determine whether health insurance as defined pursuant to s.
1351 624.603, or those health services provided pursuant to chapter
1352 641, could be, should be, or have been claimed and paid with
1353 respect to items of medical care and services furnished to any
1354 person eligible for services under this section.

1355 2. All information obtained pursuant to subparagraph 1. is
1356 confidential and exempt from s. 119.07(1). The agency shall
1357 provide the information obtained pursuant to subparagraph 1. to
1358 the Department of Revenue for purposes of administering the
1359 state Title IV-D program. The agency and the Department of
1360 Revenue shall enter into a cooperative agreement for purposes of
1361 implementing this requirement.

1362 3. The cooperative agreement or rules adopted under this
1363 subsection may include financial arrangements to reimburse the

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1364 reporting entities for reasonable costs or a portion thereof
1365 incurred in furnishing the requested information. Neither the
1366 cooperative agreement nor the rules shall require the automation
1367 of manual processes to provide the requested information.

1368 Section 13. Subsection (7) of section 414.095, Florida
1369 Statutes, is amended to read:

1370 414.095 Determining eligibility for temporary cash
1371 assistance.-

1372 (7) ASSIGNMENT OF RIGHTS TO SUPPORT.-As a condition of
1373 receiving temporary cash assistance, the family must assign to
1374 the Department of Revenue any rights a member of a family may
1375 have to support from any other person. This applies to any
1376 family member; however, the assigned amounts must not exceed the
1377 total amount of temporary cash assistance provided to the
1378 family. The assignment of support does not apply if the family
1379 leaves the program.

1380 Section 14. Subsection (1) of section 741.01, Florida
1381 Statutes, is amended to read:

1382 741.01 County court judge or clerk of the circuit court to
1383 issue marriage license; fee.-

1384 (1) Every marriage license shall be issued by a county
1385 court judge or clerk of the circuit court under his or her hand
1386 and seal. The county court judge or clerk of the circuit court
1387 shall issue such license, upon application for the license, if
1388 there appears to be no impediment to the marriage. An
1389 application for a marriage license must allow both parties to
1390 the marriage to state under oath in writing if they are the
1391 parents of a child born in this state and to identify any such
1392 child they have in common by name, date of birth, place of

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1393 birth, and, if available, birth certificate number. The name of
1394 any child recorded by both parties must be transmitted to the
1395 Department of Health along with the original marriage license
1396 and endorsements. The county court judge or clerk of the circuit
1397 court shall collect and receive a fee of \$2 for receiving the
1398 application for the issuance of a marriage license.

1399 Section 15. Effective November 1, 2010, for the purpose of
1400 incorporating the amendment made by this act to section
1401 409.2564, Florida Statutes, in a reference thereto, paragraph
1402 (c) of subsection (1) of section 61.14, Florida Statutes, is
1403 reenacted to read:

1404 61.14 Enforcement and modification of support, maintenance,
1405 or alimony agreements or orders.—

1406 (1)

1407 (c) For each support order reviewed by the department as
1408 required by s. 409.2564(11), if the amount of the child support
1409 award under the order differs by at least 10 percent but not
1410 less than \$25 from the amount that would be awarded under s.
1411 61.30, the department shall seek to have the order modified and
1412 any modification shall be made without a requirement for proof
1413 or showing of a change in circumstances.

1414 Section 16. Effective November 1, 2010, for the purpose of
1415 incorporating the amendment made by this act to section
1416 409.2564, Florida Statutes, in a reference thereto, paragraph
1417 (c) of subsection (1) of section 61.30, Florida Statutes, is
1418 reenacted to read:

1419 61.30 Child support guidelines; retroactive child support.—

1420 (1)

1421 (c) For each support order reviewed by the department as

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1422 required by s. 409.2564(11), if the amount of the child support
1423 award under the order differs by at least 10 percent but not
1424 less than \$25 from the amount that would be awarded under s.
1425 61.30, the department shall seek to have the order modified and
1426 any modification shall be made without a requirement for proof
1427 or showing of a change in circumstances.

1428 Section 17. Except as otherwise expressly provided in this
1429 act, this act shall take effect upon becoming a law.