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1 A bill to be entitled  
2 An act relating to child support; amending s. 61.13, F.S.;  
3 deleting a reference to health insurance in the process to  
4 determine share of a medical support only obligation;  
5 providing the procedure for child support payments to be  
6 paid through the depository; clarifying that income  
7 deduction payments are required to be paid to the State  
8 Disbursement Unit; amending s. 61.30, F.S.; replacing "IV-D  
9 agency" with "department"; authorizing a written  
10 declaration signed under penalty of perjury as specified  
11 by s. 92.525(2) be used for purposes of establishing an  
12 obligation for support; amending s. 382.015, F.S.;  
13 authorizing the Office of Vital Statistics to amend a  
14 child's birth certificate to include the name of the legal  
15 father when a final judgment of dissolution of marriage  
16 requires the former husband to pay child support for the  
17 child; amending s. 382.016, F.S.; authorizing the Office of  
18 Vital Statistics to amend a child's birth certificate to  
19 include the name of the legal father upon receipt of a  
20 marriage license that identifies the registrant; amending  
21 s. 409.2558, F.S.; creating additional priorities for  
22 processing undistributable collections; authorizing the  
23 Department to retain un-cashed checks or closed Title IV-D  
24 case balances of child support collections under \$1;  
25 amending s. 409.256, F.S.; changing the term "custodian" to  
26 "caregiver"; replacing "putative father" with "alleged  
27 father"; clarifying the definition of the "caregiver";  
28 replacing "Department of Revenue" with "department";

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29 replacing "review" with "discussion"; amending s.  
30 409.2563, F.S.; replacing "caretaker relative" with  
31 "caregiver"; amending s. 409.25635, F.S.; authorizing the  
32 Department of Revenue to collect noncovered medical  
33 expenses in installments by issuing an income deduction  
34 notice; amending s. 409.2564, F.S.; deleting the  
35 requirement for reducing the guideline amount by 25  
36 percent for retroactive support; providing a process for  
37 court hearings related to support order reviews; providing  
38 for support orders to be modified by the department;  
39 replacing "IV-D agency" with "department"; replacing  
40 "adjustment" with "modification"; amending s. 409.2567,  
41 F.S.; providing that the Department of Revenue may seek a  
42 waiver from the United States Department of Health and  
43 Human Services from the requirement for an application for  
44 Title IV-D services; amending s. 409.259, F.S.; extending  
45 the deadline for implementing electronic filing in Title  
46 IV-D cases to coincide with completion of the Child  
47 Support Automated Management System II; amending s.  
48 409.910, F.S.; authorizing the Agency for Health Care  
49 Administration to provide health insurance information to  
50 the Department of Revenue for use in the Title IV-D  
51 program; requiring both agencies to enter into a  
52 cooperative agreement to implement the requirement;  
53 amending s.414.095, F.S.; replacing "department" with  
54 "Department of Revenue"; amending s. 741.01, F.S.;  
55 providing that an application for a marriage license must  
56 allow both parties to the marriage to state under oath in

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57 writing if they are the parents of any child born in  
58 Florida and to identify any child they have in common;  
59 providing an effective date.  
60

61 Be It Enacted by the Legislature of the State of Florida:  
62

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

65 61.13 Support of children; parenting and time-sharing;  
66 powers of court.—

67 (1)

68 (b) Each order for support shall contain a provision for  
69 health insurance for the minor child when health insurance is  
70 reasonable in cost and accessible to the child. Health insurance  
71 is presumed to be reasonable in cost if the incremental cost of  
72 adding health insurance for the child or children does not  
73 exceed 5 percent of the gross income, as defined in s. 61.30, of  
74 the parent responsible for providing health insurance. Health  
75 insurance is accessible to the child if the health insurance is  
76 available to be used in the county of the child's primary  
77 residence or in another county if the parent who has the most  
78 time under the time-sharing plan agrees. If the time-sharing  
79 plan provides for equal time-sharing, health insurance is  
80 accessible to the child if the health insurance is available to  
81 be used in either county where the child resides or in another  
82 county if both parents agree. The court may require the obligor  
83 to provide health insurance or to reimburse the obligee for the  
84 cost of health insurance for the minor child when insurance is

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85 provided by the obligee. The presumption of reasonable cost may  
86 be rebutted by evidence of any of the factors in s.  
87 61.30(11) (a). The court may deviate from what is presumed  
88 reasonable in cost only upon a written finding explaining its  
89 determination why ordering or not ordering the provision of  
90 health insurance or the reimbursement of the obligee's cost for  
91 providing health insurance for the minor child would be unjust  
92 or inappropriate. In any event, the court shall apportion the  
93 cost of health insurance, and any noncovered medical, dental,  
94 and prescription medication expenses of the child, to both  
95 parties by adding the cost to the basic obligation determined  
96 pursuant to s. 61.30(6). The court may order that payment of  
97 noncovered medical, dental, and prescription medication expenses  
98 of the minor child be made directly to the obligee on a  
99 percentage basis. In a proceeding for medical support only, each  
100 parent's share of the child's ~~health insurance~~ and noncovered  
101 medical expenses shall equal the parent's percentage share of  
102 the combined net income of the parents. The percentage share  
103 shall be calculated by dividing each parent's net monthly income  
104 by the combined monthly net income of both parents. Net income  
105 is calculated as specified by s. 61.30(3) and (4).

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

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

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

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

119           2.a. A support order enforced under Title IV-D of the  
120 Social Security Act which requires that the obligor provide  
121 health insurance is enforceable by the department through the  
122 use of the national medical support notice, and an amendment to  
123 the support order is not required. The department shall transfer  
124 the national medical support notice to the obligor's union or  
125 employer. The department shall notify the obligor in writing  
126 that the notice has been sent to the obligor's union or  
127 employer, and the written notification must include the  
128 obligor's rights and duties under the national medical support  
129 notice. The obligor may contest the withholding required by the  
130 national medical support notice based on a mistake of fact. To  
131 contest the withholding, the obligor must file a written notice  
132 of contest with the department within 15 business days after the  
133 date the obligor receives written notification of the national  
134 medical support notice from the department. Filing with the  
135 department is complete when the notice is received by the person  
136 designated by the department in the written notification. The  
137 notice of contest must be in the form prescribed by the  
138 department. Upon the timely filing of a notice of contest, the  
139 department shall, within 5 business days, schedule an informal  
140 conference with the obligor to discuss the obligor's factual

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141 dispute. If the informal conference resolves the dispute to the  
142 obligor's satisfaction or if the obligor fails to attend the  
143 informal conference, the notice of contest is deemed withdrawn.  
144 If the informal conference does not resolve the dispute, the  
145 obligor may request an administrative hearing under chapter 120  
146 within 5 business days after the termination of the informal  
147 conference, in a form and manner prescribed by the department.  
148 However, the filing of a notice of contest by the obligor does  
149 not delay the withholding of premium payments by the union,  
150 employer, or health plan administrator. The union, employer, or  
151 health plan administrator must implement the withholding as  
152 directed by the national medical support notice unless notified  
153 by the department that the national medical support notice is  
154 terminated.

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

158 3. In a non-Title IV-D case, upon receipt of the order  
159 pursuant to subparagraph 1., or upon application of the obligor  
160 pursuant to the order, the union or employer shall enroll the  
161 minor child as a beneficiary in the group health plan regardless  
162 of any restrictions on the enrollment period and withhold any  
163 required premium from the obligor's income. If more than one  
164 plan is offered by the union or employer, the child shall be  
165 enrolled in the group health plan in which the obligor is  
166 enrolled.

167 4.a. Upon receipt of the national medical support notice  
168 under subparagraph 2. in a Title IV-D case, the union or

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169 employer shall transfer the notice to the appropriate group  
170 health plan administrator within 20 business days after the date  
171 on the notice. The plan administrator must enroll the child as a  
172 beneficiary in the group health plan regardless of any  
173 restrictions on the enrollment period, and the union or employer  
174 must withhold any required premium from the obligor's income  
175 upon notification by the plan administrator that the child is  
176 enrolled. The child shall be enrolled in the group health plan  
177 in which the obligor is enrolled. If the group health plan in  
178 which the obligor is enrolled is not available where the child  
179 resides or if the obligor is not enrolled in group coverage, the  
180 child shall be enrolled in the lowest cost group health plan  
181 that is accessible to the child.

182 b. If health insurance or the obligor's employment is  
183 terminated in a Title IV-D case, the union or employer that is  
184 withholding premiums for health insurance under a national  
185 medical support notice must notify the department within 20 days  
186 after the termination and provide the obligor's last known  
187 address and the name and address of the obligor's new employer,  
188 if known.

189 5.a. The amount withheld by a union or employer in  
190 compliance with a support order may not exceed the amount  
191 allowed under s. 303(b) of the Consumer Credit Protection Act,  
192 15 U.S.C. s. 1673(b), as amended. The union or employer shall  
193 withhold the maximum allowed by the Consumer Credit Protection  
194 Act in the following order:

195 (I) Current support, as ordered.

196 (II) Premium payments for health insurance, as ordered.

197 (III) Past due support, as ordered.  
 198 (IV) Other medical support or insurance, as ordered.  
 199 b. If the combined amount to be withheld for current  
 200 support plus the premium payment for health insurance exceed the  
 201 amount allowed under the Consumer Credit Protection Act, and the  
 202 health insurance cannot be obtained unless the full amount of  
 203 the premium is paid, the union or employer may not withhold the  
 204 premium payment. However, the union or employer shall withhold  
 205 the maximum allowed in the following order:  
 206 (I) Current support, as ordered.  
 207 (II) Past due support, as ordered.  
 208 (III) Other medical support or insurance, as ordered.  
 209 6. An employer, union, or plan administrator who does not  
 210 comply with the requirements in sub-subparagraph 4.a. is subject  
 211 to a civil penalty not to exceed \$250 for the first violation  
 212 and \$500 for subsequent violations, plus attorney's fees and  
 213 costs. The department may file a petition in circuit court to  
 214 enforce the requirements of this subparagraph.  
 215 7. The department may adopt rules to administer the child  
 216 support enforcement provisions of this section that affect Title  
 217 IV-D cases.  
 218 (d)1. All child support orders shall provide the full name  
 219 and date of birth of each minor child who is the subject of the  
 220 child support order.  
 221 2. If both parties request and the court finds that it is  
 222 in the best interest of the child, support payments need not be  
 223 subject to immediate income deduction. Support orders that are  
 224 not subject to immediate income deduction may be directed

225 through the depository under s. 61.181 or made payable directly  
 226 to the obligee. Payments for all support orders that provide for  
 227 immediate income deduction shall be made to the State  
 228 Disbursement Unit. The court shall provide a copy of the order  
 229 to the depository.

230 3. For support orders payable directly to the obligee,  
 231 ~~that do not provide for immediate income deduction,~~ any party,  
 232 or the ~~IV-D agency~~ department in a IV-D case, may subsequently  
 233 file an affidavit with the depository ~~State Disbursement Unit~~  
 234 alleging a default in payment of child support and stating that  
 235 the party wishes to require that payments be made through the  
 236 depository ~~State Disbursement Unit~~. The party shall provide  
 237 copies of the affidavit to the court and to each other party.  
 238 Fifteen days after receipt of the affidavit, the depository  
 239 ~~State Disbursement Unit~~ shall notify all parties that future  
 240 payments shall be paid through the depository, except that income  
 241 deduction payments shall be made to the State Disbursement Unit.

242 Note.—Former s. 65.14.

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

245 61.30 Child support guidelines; retroactive child  
 246 support.—

247 (15) For purposes of establishing an obligation for  
 248 support in accordance with this section, if a person who is  
 249 receiving public assistance is found to be noncooperative as  
 250 defined in s. 409.2572, the department ~~IV-D agency~~ is authorized  
 251 to submit to the court an affidavit or written declaration  
 252 signed under penalty of perjury as specified by s. 92.525(2)

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253 | attesting to the income of that parent based upon information  
 254 | available to the department ~~IV-D~~ agency.

255 | Section 3. Subsection (2) of section 382.015, Florida  
 256 | Statutes, is amended to read:

257 | 382.015 New certificates of live birth; duty of clerks of  
 258 | court and department.—The clerk of the court in which any  
 259 | proceeding for adoption, annulment of an adoption, affirmation  
 260 | of parental status, or determination of paternity is to be  
 261 | registered, shall within 30 days after the final disposition,  
 262 | forward to the department a certified copy of the court order,  
 263 | or a report of the proceedings upon a form to be furnished by  
 264 | the department, together with sufficient information to identify  
 265 | the original birth certificate and to enable the preparation of  
 266 | a new birth certificate. The clerk of the court shall implement  
 267 | a monitoring and quality control plan to ensure that all  
 268 | judicial determinations of paternity are reported to the  
 269 | department in compliance with this section. The department shall  
 270 | track paternity determinations reported monthly by county,  
 271 | monitor compliance with the 30-day timeframe, and report the  
 272 | data to the clerks of the court quarterly.

273 | (2) DETERMINATION OF PATERNITY.—Upon receipt of the report  
 274 | or a certified copy of a final decree of determination of  
 275 | paternity, , or a certified copy of a final judgment of  
 276 | dissolution of marriage that requires the former husband to pay  
 277 | support for the child, together with sufficient information to  
 278 | identify the original certificate of live birth, the department  
 279 | shall prepare and file a new birth certificate which shall bear  
 280 | the same file number as the original birth certificate. The

281 | registrant's name shall be entered as decreed by the court or as  
 282 | reflected in the final judgment. The names and identifying  
 283 | information of the parents shall be entered as of the date of  
 284 | the registrant's birth.

285 | Note.—Consolidation of former ss. 382.21, 382.22.

286 | Section 4. Paragraph (b) of subsection (1) of section  
 287 | 382.016, Florida Statutes, is amended to read:

288 | 382.016 Amendment of records.—The department, upon receipt  
 289 | of the fee prescribed in s. 382.0255; documentary evidence, as  
 290 | specified by rule, of any misstatement, error, or omission  
 291 | occurring in any birth, death, or fetal death record; and an  
 292 | affidavit setting forth the changes to be made, shall amend or  
 293 | replace the original certificate as necessary.

294 | (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

295 | (b) Upon written request and receipt of an affidavit, a  
 296 | notarized voluntary acknowledgment of paternity signed by the  
 297 | mother and father acknowledging the paternity of a registrant  
 298 | born out of wedlock, or a voluntary acknowledgment of paternity  
 299 | that is witnessed by two individuals and signed under penalty of  
 300 | perjury as specified by s. 92.525(2), together with sufficient  
 301 | information to identify the original certificate of live birth,  
 302 | the department shall prepare a new birth certificate, which  
 303 | shall bear the same file number as the original birth  
 304 | certificate. The names and identifying information of the  
 305 | parents shall be entered as of the date of the registrant's  
 306 | birth. The surname of the registrant may be changed from that  
 307 | shown on the original birth certificate at the request of the  
 308 | mother and father of the registrant, or the registrant if of

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309 | legal age. If the mother and father marry each other at any time  
310 | after the registrant's birth, the department shall, upon receipt  
311 | of a marriage license that identifies the registrant, or upon the  
312 | request of the mother and father or registrant if of legal age  
313 | and proof of the marriage, amend the certificate with regard to  
314 | the parents' marital status as though the parents were married  
315 | at the time of birth. The department shall substitute the new  
316 | certificate of birth for the original certificate on file. All  
317 | copies of the original certificate of live birth in the custody  
318 | of a local registrar or other state custodian of vital records  
319 | shall be forwarded to the State Registrar. Thereafter, when a  
320 | certified copy of the certificate of birth or portion thereof is  
321 | issued, it shall be a copy of the new certificate of birth or  
322 | portion thereof, except when a court order requires issuance of  
323 | a certified copy of the original certificate of birth. Except  
324 | for a birth certificate on which a father is listed pursuant to  
325 | an affidavit, a notarized voluntary acknowledgment of paternity  
326 | signed by the mother and father acknowledging the paternity of a  
327 | registrant born out of wedlock, or a voluntary acknowledgment of  
328 | paternity that is witnessed by two individuals and signed under  
329 | penalty of perjury as specified by s. 92.525(2), the department  
330 | shall place the original certificate of birth and all papers  
331 | pertaining thereto under seal, not to be broken except by order  
332 | of a court of competent jurisdiction or as otherwise provided by  
333 | law.

334 |       Note.—As enacted by s. 18, ch. 2005-39. The s. 7, ch. 2005-  
335 | 82, version used "is not eligible" instead of "would not be  
336 | eligible."

337 Note.—Former s. 382.49.  
 338 Section 5. Paragraph (b) of subsection (3) of section  
 339 409.2558, Florida Statutes, is amended to read:  
 340 409.2558 Support distribution and disbursement.—  
 341 (3) UNDISTRIBUTABLE COLLECTIONS.—  
 342 (b) Collections that are determined to be undistributable  
 343 shall be processed in the following order of priority:  
 344 1. Apply the payment to any financial liability incurred  
 345 by the obligor as a result of a previous payment returned to the  
 346 department for insufficient funds; then  
 347 2. Apply the payment to any financial liability incurred by  
 348 the obligor as a result of an overpayment to the obligor that  
 349 the obligor has failed to return to the department after notice;  
 350 then  
 351 3. Apply the payment to any financial liability incurred by  
 352 the obligee as a result of an overpayment to the obligee that  
 353 the obligee has failed to return to the department after notice,  
 354 then  
 355  
 356 ~~4~~4. Apply the payment to any assigned arrears on the  
 357 obligee's case; then  
 358 ~~2~~5. Apply the payment to any administrative costs ordered  
 359 by the court pursuant to s. 409.2567 associated with the  
 360 obligee's case; then  
 361 ~~3~~6. When the obligor is subject to a valid order to  
 362 support another child in a case with a different obligee and the  
 363 obligation is being enforced by the department, the department  
 364 shall send by certified mail, restricted delivery, return

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365 receipt requested, to the obligor at the most recent address  
 366 provided by the obligor to the tribunal that issued the order, a  
 367 notice stating the department's intention to apply the payment  
 368 pursuant to this subparagraph, and advising the obligor of the  
 369 right to contest the department's proposed action in the circuit  
 370 court by filing and serving a petition on the department within  
 371 30 days after the mailing of the notice. If the obligor does not  
 372 file and serve a petition within the 30 days after mailing of  
 373 the notice, or upon a disposition of the judicial action  
 374 favorable to the department, the department shall apply the  
 375 payment toward his or her other support obligation. If there is  
 376 more than one such other case, the department shall allocate the  
 377 remaining undistributable amount as specified by s.

378 61.1301(4)(c); then

379 47. Return the payment to the obligor; then

380 ~~58~~. If the obligor cannot be located after diligent  
 381 efforts by the department, the federal share of the payment  
 382 shall be credited to the Federal Government and the state share  
 383 shall be transferred to the General Revenue Fund.

384 Section 6. Effective July 1, 2010, Paragraph (d) is added  
 385 to subsection (3) of section 409.2558, Florida Statutes, to  
 386 read:

387 409.2558 Support distribution and disbursement.—

388 (3) UNDISTRIBUTABLE COLLECTIONS.—

389 (d) If a payment of less than one dollar is made by a  
 390 paper check on an open Title IV-D case and the payment is not  
 391 cashed after 180 days, or less than one dollar is owed on a  
 392 closed Title IV-D case, the department shall declare the payment

393 as program income, crediting the federal share of the payment to  
 394 the Federal Government and the state share of the payment to the  
 395 General Revenue Fund, without attempting to locate either party.

396 Section 7. Paragraphs (b), (g), and (j) of subsection (1)  
 397 and subsections (2), (3), (4), (5), (6), (8), (9), (10), (11),  
 398 (12), and (13) of section 409.256, Florida Statutes, are amended  
 399 to read:

400 409.256 Administrative proceeding to establish paternity  
 401 or paternity and child support; order to appear for genetic  
 402 testing.—

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

404 (b) "Caregiver" ~~"Custodian"~~ means a person, other than the  
 405 mother, father or an alleged ~~a putative~~ father, who has physical  
 406 custody of a child or with whom the child primarily resides.  
 407 References in this section to the obligation of a caregiver  
 408 ~~custodian~~ to submit to genetic testing mean that the caregiver  
 409 ~~custodian~~ is obligated to submit the child for genetic testing,  
 410 not that the caregiver ~~custodian~~ must submit to genetic testing.

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

415 (j) "Respondent" means the person or persons served by the  
 416 Department of Revenue with a notice of proceeding pursuant to  
 417 subsection (4). The term includes the alleged ~~putative~~ father  
 418 and may include the mother or the custodian of the child.

419 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO  
 420 THE COURTS.—

421 (a) The Department ~~of Revenue~~ may commence a paternity  
 422 proceeding or a paternity and child support proceeding as  
 423 provided in subsection (4) if:

424 1. The child's paternity has not been established.  
 425 2. No one is named as the father on the child's birth  
 426 certificate or the person named as the father is the alleged  
 427 ~~putative~~ father named in an affidavit or a written declaration  
 428 as provided in subparagraph 5.

429 3. The child's mother was unmarried when the child was  
 430 conceived and born.

431 4. The Department ~~of Revenue~~ is providing services under  
 432 Title IV-D.

433 5. The child's mother or an alleged ~~a putative~~ father has  
 434 stated in an affidavit, or in a written declaration as provided  
 435 in s. 92.525(2) that the alleged ~~putative~~ father is or may be  
 436 the child's biological father. The affidavit or written  
 437 declaration must set forth the factual basis for the allegation  
 438 of paternity as provided in s. 742.12(2).

439 (b) If the Department ~~of Revenue~~ receives a request from  
 440 another state to assist in the establishment of paternity, the  
 441 department may serve an order to appear for genetic testing on a  
 442 person who resides in this state and transmit the test results  
 443 to the other state without commencing a paternity proceeding in  
 444 this state.

445 (c) The Department ~~of Revenue~~ may use the procedures  
 446 authorized by this section against a nonresident over whom this  
 447 state may assert personal jurisdiction under chapter 48 or  
 448 chapter 88.

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449           (d) If an alleged ~~a putative~~ father, mother, or caregiver  
450 ~~custodian~~ in a Title IV-D case voluntarily submits to genetic  
451 testing, the Department ~~of Revenue~~ may schedule that individual  
452 or the child for genetic testing without serving that individual  
453 with an order to appear for genetic testing. A respondent or  
454 other person who is subject to an order to appear for genetic  
455 testing may waive, in writing or on the record at an  
456 administrative hearing, formal service of notices or orders or  
457 waive any other rights or time periods prescribed by this  
458 section.

459           (e) Whenever practicable, hearings held by the Division of  
460 Administrative Hearings pursuant to this section shall be held  
461 in the judicial circuit where the person receiving services  
462 under Title IV-D resides or, if the person receiving services  
463 under Title IV-D does not reside in this state, in the judicial  
464 circuit where the respondent resides. If the Department ~~of~~  
465 ~~Revenue~~ and the respondent agree, the hearing may be held in  
466 another location. If ordered by the administrative law judge,  
467 the hearing may be conducted telephonically or by  
468 videoconference.

469           (f) The Legislature does not intend to limit the  
470 jurisdiction of the circuit courts to hear and determine issues  
471 regarding establishment of paternity. This section is intended  
472 to provide the Department ~~of Revenue~~ with an alternative  
473 procedure for establishing paternity and child support  
474 obligations in Title IV-D cases. This section does not prohibit  
475 a person who has standing from filing a civil action in circuit  
476 court for a determination of paternity or of child support

477 obligations.

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

480 (3) MULTIPLE Alleged ~~PUTATIVE~~ FATHERS; MULTIPLE CHILDREN.—  
481 If more than one alleged ~~putative~~ father has been named, the  
482 Department of Revenue may proceed under this section against a  
483 single alleged ~~putative~~ father or may proceed simultaneously  
484 against more than one alleged ~~putative~~ father. If an alleged ~~a~~  
485 ~~putative~~ father has been named as a possible father of more than  
486 one child born to the same mother, the department may proceed to  
487 establish the paternity of each child in the same proceeding.

488 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR  
489 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC  
490 TESTING; MANNER OF SERVICE; CONTENTS.—The Department ~~of Revenue~~  
491 shall commence a proceeding to determine paternity, or a  
492 proceeding to determine both paternity and child support, by  
493 serving the respondent with a notice as provided in this  
494 section. An order to appear for genetic testing may be served at  
495 the same time as a notice of the proceeding or may be served  
496 separately. A copy of the affidavit or written declaration upon  
497 which the proceeding is based shall be provided to the  
498 respondent when notice is served. A notice or order to appear  
499 for genetic testing shall be served by certified mail,  
500 restricted delivery, return receipt requested, or in accordance  
501 with the requirements for service of process in a civil action.  
502 Service by certified mail is completed when the certified mail  
503 is received or refused by the addressee or by an authorized  
504 agent as designated by the addressee in writing. If a person

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505 other than the addressee signs the return receipt, the  
506 department shall attempt to reach the addressee by telephone to  
507 confirm whether the notice was received, and the department  
508 shall document any telephonic communications. If someone other  
509 than the addressee signs the return receipt, the addressee does  
510 not respond to the notice, and the department is unable to  
511 confirm that the addressee has received the notice, service is  
512 not completed and the department shall attempt to have the  
513 addressee served personally. For purposes of this section, an  
514 employee or an authorized agent of the department may serve the  
515 notice or order to appear for genetic testing and execute an  
516 affidavit of service. The department may serve an order to  
517 appear for genetic testing on a caregiver ~~custodian~~. The  
518 department shall provide a copy of the notice or order to appear  
519 by regular mail to the mother and caregiver ~~custodian~~, if they  
520 are not respondents.

521 (a) A notice of proceeding to establish paternity must  
522 state:

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

526 2. The name and date of birth of the child and the name of  
527 the child's mother.

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

531 4. That the respondent is required to submit to genetic  
532 testing.

533           5. That genetic testing will establish either a high  
534 degree of probability that the alleged ~~putative~~ father is the  
535 biological father of the child or that the alleged ~~putative~~  
536 father cannot be the biological father of the child.

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

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

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

546           b. Commence a proceeding, as provided in s. 409.2563, to  
547 establish an administrative support order for the child. Notice  
548 of the proceeding shall be provided to the respondent by regular  
549 mail.

550           8. That, if the genetic test results indicate a  
551 statistical probability of paternity that equals or exceeds 99  
552 percent and a proceeding to establish an administrative support  
553 order is commenced, the department shall issue a proposed order  
554 that addresses paternity and child support. The respondent may  
555 consent to or contest the proposed order at an administrative  
556 hearing.

557           9. That if a proposed order of paternity or proposed order  
558 of both paternity and child support is not contested, the  
559 department shall adopt the proposed order and render a final  
560 order that establishes paternity and, if appropriate, an

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561 administrative support order for the child.

562 10. That, until the proceeding is ended, the respondent  
563 shall notify the department in writing of any change in the  
564 respondent's mailing address and that the respondent shall be  
565 deemed to have received any subsequent order, notice, or other  
566 paper mailed to the most recent address provided or, if a more  
567 recent address is not provided, to the address at which the  
568 respondent was served, and that this requirement continues if  
569 the department renders a final order that establishes paternity  
570 and a support order for the child.

571 11. That the respondent may file an action in circuit  
572 court for a determination of paternity, child support  
573 obligations, or both.

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

579 13. That, if paternity is established, the alleged  
580 ~~putative~~ father may file a petition in circuit court for a  
581 determination of matters relating to custody and rights of  
582 parental contact.

583

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

586 (b) A notice of proceeding to establish paternity and  
587 child support must state the requirements of paragraph (a),  
588 except for subparagraph (a)7., and must state the requirements

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589 of s. 409.2563(4), to the extent that the requirements of s.  
590 409.2563(4) are not already required by and do not conflict with  
591 this subsection. This section and s. 409.2563 apply to a  
592 proceeding commenced under this subsection.

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

595 1. That the department has commenced an administrative  
596 proceeding to establish whether the alleged ~~putative~~ father is  
597 the biological father of the child.

598 2. The name and date of birth of the child and the name of  
599 the child's mother.

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

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

605 5. That if the person has custody of the child whose  
606 paternity is the subject of the proceeding, the person must  
607 submit the child for genetic testing.

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

614 7. That if the person ordered to appear submits to genetic  
615 testing, the department shall pay the cost of the genetic  
616 testing and shall provide the person ordered to appear with a

617 copy of any test results obtained.

618 8. That if the person ordered to appear does not appear as  
 619 ordered or refuses to submit to genetic testing without good  
 620 cause, the department may take one or more of the following  
 621 actions:

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

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

627 c. File a petition in circuit court to establish paternity  
 628 and obtain a support order for the child and an order for costs  
 629 against the person ordered to appear, including costs for  
 630 genetic testing.

631 9. That the person ordered to appear may contest the order  
 632 by filing a written request for informal discussion ~~review~~  
 633 within 15 days after the date of service of the order, with  
 634 further rights to an administrative hearing following the  
 635 informal discussion ~~review~~.

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

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

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

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

645 informal discussion ~~review~~ with the Department ~~of Revenue~~ within  
 646 15 days after the date of service of the order. The purpose of  
 647 the informal discussion ~~review~~ is to provide the person ordered  
 648 to appear with an opportunity to discuss the proceedings and the  
 649 basis of the order. At the conclusion of the informal discussion  
 650 ~~review~~, the department shall notify the person ordered to  
 651 appear, in writing, whether it intends to proceed with the order  
 652 to appear. If the department notifies the person ordered to  
 653 appear of its intent to proceed, the notice must inform the  
 654 person ordered to appear of the right to contest the order at an  
 655 administrative hearing.

656 (b) Following an informal discussion ~~review~~, within 15  
 657 days after the mailing date of the department's ~~Department of~~  
 658 ~~Revenue's~~ notification that the department shall proceed with an  
 659 order to appear for genetic testing, the person ordered to  
 660 appear may file a request for an administrative hearing to  
 661 contest whether the person should be required to submit to  
 662 genetic testing. A request for an administrative hearing must  
 663 state the specific reasons why the person ordered to appear  
 664 believes he or she should not be required to submit to genetic  
 665 testing as ordered. If the person ordered to appear files a  
 666 timely request for a hearing, the department shall refer the  
 667 hearing request to the Division of Administrative Hearings.  
 668 Unless otherwise provided in this section, administrative  
 669 hearings are governed by chapter 120 and the uniform rules of  
 670 procedure. The administrative law judge assigned to the case  
 671 shall issue an order as to whether the person must submit to  
 672 genetic testing in accordance with the order to appear. The

673 department or the person ordered to appear may seek immediate  
 674 judicial review under s. 120.68 of an order issued by an  
 675 administrative law judge pursuant to this paragraph.

676 (c) If a timely request for an informal discussion ~~review~~  
 677 or an administrative hearing is filed, the department may not  
 678 proceed under the order to appear for genetic testing and may  
 679 not impose sanctions for failure or refusal to submit to genetic  
 680 testing until:

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

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

686 3. The Division of Administrative Hearings issues an order  
 687 that the person must submit to genetic testing, or issues an  
 688 order closing the division's file, and that an order has become  
 689 final.

690 (d) If a request for an informal discussion ~~review~~ or  
 691 administrative hearing is not timely filed, the person ordered  
 692 to appear is deemed to have waived the right to a hearing, and  
 693 the department may proceed under the order to appear for genetic  
 694 testing.

695 (6) SCHEDULING OF GENETIC TESTING.—

696 (a) The Department ~~of Revenue~~ shall notify, in writing,  
 697 the person ordered to appear of the date, time, and location of  
 698 the appointment for genetic testing and of the requirement to  
 699 verify his or her identity and the identity of the child, if  
 700 applicable, when the samples are provided by presenting a form

701 of identification as prescribed in s. 117.05(5)(b)2. that bears  
 702 the photograph of the person who is providing the sample or  
 703 other form of verification approved by the department. If the  
 704 person ordered to appear is the putative father or the mother,  
 705 that person shall appear and submit to genetic testing. If the  
 706 person ordered to appear is a caregiver ~~eustodian~~, or if the  
 707 alleged ~~putative~~ father or the mother has custody of the child,  
 708 that person must submit the child for genetic testing.

709 (b) The department shall reschedule genetic testing:

710 1. One time without cause if, in advance of the initial  
 711 test date, the person ordered to appear requests the department  
 712 to reschedule the test.

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

715 3. One time upon request of a person ordered to appear  
 716 against whom sanctions have been imposed as provided in  
 717 subsection (7).  
 718

719 A claim of good cause for failure to appear shall be filed with  
 720 the department within 10 days after the scheduled test date and  
 721 must state the facts and circumstances supporting the claim. The  
 722 department shall notify the person ordered to appear, in  
 723 writing, whether it accepts or rejects the person's claim of  
 724 good cause. There is not a separate right to a hearing on the  
 725 department's decision to accept or reject the claim of good  
 726 cause because the person ordered to appear may raise good cause  
 727 as a defense to any proceeding initiated by the department under  
 728 subsection (7).

729 (c) A person ordered to appear may obtain a second genetic  
 730 test by filing a written request for a second test with the  
 731 department within 15 days after the date of mailing of the  
 732 initial genetic testing results and by paying the department in  
 733 advance for the full cost of the second test.

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

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

740 (8) GENETIC-TESTING RESULTS.—The department shall send a  
 741 copy of the genetic-testing results to the alleged ~~putative~~  
 742 father, to the mother, to the caregiver ~~custodian~~, and to the  
 743 other state, if applicable. If the genetic-testing results,  
 744 including second or subsequent genetic-testing results, do not  
 745 indicate a statistical probability of paternity that equals or  
 746 exceeds 99 percent, the paternity proceeding in connection with  
 747 that child shall cease.

748 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF  
 749 PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED  
 750 ORDER OF PATERNITY AND CHILD SUPPORT.—

751 (a) If a paternity proceeding has been commenced under  
 752 this section and the results of genetic testing indicate a  
 753 statistical probability of paternity that equals or exceeds 99  
 754 percent, the Department ~~of Revenue~~ may:

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

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757 2. If appropriate, delay issuing a proposed order of  
 758 paternity and commence, by regular mail, an administrative  
 759 proceeding to establish a support order for the child pursuant  
 760 to s. 409.2563 and issue a single proposed order that addresses  
 761 paternity and child support.

762 (b) A proposed order of paternity must:

- 763 1. State proposed findings of fact and conclusions of law.
- 764 2. Include a copy of the results of genetic testing.
- 765 3. Include notice of the respondent's right to informal  
 766 review and to contest the proposed order of paternity at an  
 767 administrative hearing.

768 (c) If a paternity and child support proceeding has been  
 769 commenced under this section and the results of genetic testing  
 770 indicate a statistical probability of paternity that equals or  
 771 exceeds 99 percent, the Department ~~of Revenue~~ may issue a single  
 772 proposed order that addresses paternity as provided in this  
 773 section and child support as provided in s. 409.2563.

774 (d) The Department ~~of Revenue~~ shall serve a proposed order  
 775 issued under this section on the respondent by regular mail and  
 776 shall provide a copy by regular mail to the mother or caregiver  
 777 ~~custodian~~ if they are not respondents.

778 (10) INFORMAL DISCUSSION REVIEW; ADMINISTRATIVE HEARING;  
 779 PRESUMPTION OF PATERNITY.—

780 (a) Within 10 days after the date of mailing or other  
 781 service of a proposed order of paternity, the respondent may  
 782 contact a representative of the Department ~~of Revenue~~ at the  
 783 address or telephone number provided to request an informal  
 784 review of the proposed order. If an informal discussion review

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785 is timely requested, the time for requesting a hearing is  
786 extended until 10 days after the department mails notice to the  
787 respondent that the informal discussion ~~review~~ has been  
788 concluded.

789 (b) Within 20 days after the mailing date of the proposed  
790 order or within 10 days after the mailing date of notice that an  
791 informal discussion ~~review~~ has been concluded, whichever is  
792 later, the respondent may request an administrative hearing by  
793 filing a written request for a hearing with the Department ~~of~~  
794 ~~Revenue~~. A request for a hearing must state the specific  
795 objections to the proposed order, the specific objections to the  
796 genetic testing results, or both. A respondent who fails to file  
797 a timely request for a hearing is deemed to have waived the  
798 right to a hearing.

799 (c) If the respondent files a timely request for a  
800 hearing, the Department ~~of Revenue~~ shall refer the hearing  
801 request to the Division of Administrative Hearings. Unless  
802 otherwise provided in this section or in s. 409.2563, chapter  
803 120 and the uniform rules of procedure govern the conduct of the  
804 proceedings.

805 (d) The genetic-testing results shall be admitted into  
806 evidence and made a part of the hearing record. For purposes of  
807 this section, a statistical probability of paternity that equals  
808 or exceeds 99 percent creates a presumption, as defined in s.  
809 90.304, that the alleged ~~putative~~ father is the biological  
810 father of the child. The presumption may be overcome only by  
811 clear and convincing evidence. The respondent or the Department  
812 ~~of Revenue~~ may call an expert witness to refute or support the

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813 testing procedure or results or the mathematical theory on which  
814 they are based. Verified documentation of the chain of custody  
815 of the samples tested is competent evidence to establish the  
816 chain of custody.

817 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND  
818 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL  
819 STATISTICS.—

820 (a) If a hearing is held, the administrative law judge of  
821 the Division of Administrative Hearings shall issue a final  
822 order that adjudicates paternity or, if appropriate, paternity  
823 and child support. A final order of the administrative law judge  
824 constitutes final agency action by the Department ~~of Revenue~~.  
825 The Division of Administrative Hearings shall transmit any such  
826 order to the department for filing and rendering.

827 (b) If the respondent does not file a timely request for a  
828 hearing or consents in writing to entry of a final order without  
829 a hearing, the Department ~~of Revenue~~ may render a final order of  
830 paternity or a final order of paternity and child support, as  
831 appropriate.

832 (c) The Department ~~of Revenue~~ shall mail a copy of the  
833 final order to the alleged putative father, the mother, and the  
834 caregiver custodian, if any. The department shall notify the  
835 respondent of the right to seek judicial review of a final order  
836 in accordance with s. 120.68.

837 (d) Upon rendering a final order of paternity or a final  
838 order of paternity and child support, the Department ~~of Revenue~~  
839 shall notify the Division of Vital Statistics of the Department  
840 of Health that the paternity of the child has been established.

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

844 (f) The provisions of s. 409.2563 that apply to a final  
 845 administrative support order rendered under that section apply  
 846 to a final order rendered under this section when a child  
 847 support obligation is established.

848 (12) RIGHT TO JUDICIAL REVIEW.—A respondent has the right  
 849 to seek judicial review, in accordance with s. 120.68, of a  
 850 final order rendered under subsection (11) and an order issued  
 851 under paragraph (5) (b). The Department ~~of Revenue~~ has the right  
 852 to seek judicial review, in accordance with s. 120.68, of a  
 853 final order issued by an administrative law judge under  
 854 subsection (11) and an order issued by an administrative law  
 855 judge under paragraph (5) (b).

856 (13) DUTY TO PROVIDE AND MAINTAIN CURRENT MAILING  
 857 ADDRESS.—Until a proceeding that has been commenced under this  
 858 section has ended, a respondent who is served with a notice of  
 859 proceeding must inform the Department ~~of Revenue~~ in writing of  
 860 any change in the respondent's mailing address and is deemed to  
 861 have received any subsequent order, notice, or other paper  
 862 mailed to that address, or the address at which the respondent  
 863 was served, if the respondent has not provided a more recent  
 864 address.

865 Section 8. Paragraph (b) of subsection (1), paragraph (d)  
 866 of subsection (2), paragraphs (a), (d), (e), (g), (i), (l), and  
 867 (o) of subsection (4), paragraph (b) of subsection (5),

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868 paragraphs (d) and (e) of subsection (7), and subsection (13) of  
 869 section 409.2563, Florida Statutes, are amended to read:

870 409.2563 Administrative establishment of child support  
 871 obligations.—

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

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

877  
 878 Other terms used in this section have the meanings ascribed in  
 879 ss. 61.046 and 409.2554.

880 (2) PURPOSE AND SCOPE.—

881 (d) Either parent, or a caregiver ~~caretaker relative~~ if  
 882 applicable, may at any time file a civil action in a circuit  
 883 court having jurisdiction and proper venue to determine parental  
 884 support obligations, if any. A support order issued by a circuit  
 885 court prospectively supersedes an administrative support order  
 886 rendered by the department.

887 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE  
 888 SUPPORT ORDER.—To commence a proceeding under this section, the  
 889 department shall provide to the parent from whom support is not  
 890 being sought and serve the parent from whom support is being  
 891 sought with a notice of proceeding to establish administrative  
 892 support order and a blank financial affidavit form. The notice  
 893 must state:

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

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896 the child or children;

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

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

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

911 (i) That if the parent from whom support is being sought  
912 does not file a timely request for hearing after service of the  
913 proposed administrative support order, the department will issue  
914 an administrative support order that incorporates the findings  
915 of the proposed administrative support order, and will send by  
916 regular mail a copy of the administrative support order to both  
917 parents, or parent and caregiver ~~caretaker relative~~ if  
918 applicable;

919 (l) That either parent, or caregiver ~~caretaker relative~~ if  
920 applicable, may file at any time a civil action in a circuit  
921 court having jurisdiction and proper venue to determine parental  
922 support obligations, if any, and that a support order issued by  
923 a circuit court supersedes an administrative support order

924 rendered by the department;

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

929

930 The department may serve the notice of proceeding to establish  
 931 administrative support order by certified mail, restricted  
 932 delivery, return receipt requested. Alternatively, the  
 933 department may serve the notice by any means permitted for  
 934 service of process in a civil action. For purposes of this  
 935 section, an authorized employee of the department may serve the  
 936 notice and execute an affidavit of service. Service by certified  
 937 mail is completed when the certified mail is received or refused  
 938 by the addressee or by an authorized agent as designated by the  
 939 addressee in writing. If a person other than the addressee signs  
 940 the return receipt, the department shall attempt to reach the  
 941 addressee by telephone to confirm whether the notice was  
 942 received, and the department shall document any telephonic  
 943 communications. If someone other than the addressee signs the  
 944 return receipt, the addressee does not respond to the notice,  
 945 and the department is unable to confirm that the addressee has  
 946 received the notice, service is not completed and the department  
 947 shall attempt to have the addressee served personally. The  
 948 department shall provide the parent from whom support is not  
 949 being sought or the caregiver ~~caretaker~~ ~~relative~~ with a copy of  
 950 the notice by regular mail to the last known address of the  
 951 parent from whom support is not being sought or caregiver

952 ~~earetaker.~~

953 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

954 (b) The department shall send by regular mail to both  
 955 parents, or to a parent and caregiver ~~earetaker relative~~ if  
 956 applicable, copies of the proposed administrative support order,  
 957 its completed child support worksheet, and any financial  
 958 affidavits submitted by a parent or prepared by the department.  
 959 The proposed administrative support order must contain the same  
 960 elements as required for an administrative support order under  
 961 paragraph (7) (e).

962 (7) ADMINISTRATIVE SUPPORT ORDER.—

963 (d) The department shall send by regular mail a copy of  
 964 the administrative support order, or the final order denying an  
 965 administrative support order, to both parents, or a parent and  
 966 caregiver ~~earetaker relative~~ if applicable. The parent from whom  
 967 support is being sought shall be notified of the right to seek  
 968 judicial review of the administrative support order in  
 969 accordance with s. 120.68.

970 (e) An administrative support order must comply with ss.  
 971 61.13(1) and 61.30. The department shall develop a standard form  
 972 or forms for administrative support orders. An administrative  
 973 support order must provide and state findings, if applicable,  
 974 concerning:

- 975 1. The full name and date of birth of the child or  
 976 children;
- 977 2. The name of the parent from whom support is being  
 978 sought and the other parent or caregiver ~~earetaker relative~~;
- 979 3. The parent's duty and ability to provide support;

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- 980 4. The amount of the parent's monthly support obligation;  
 981 5. Any obligation to pay retroactive support;  
 982 6. The parent's obligation to provide for the health care  
 983 needs of each child, whether through health insurance,  
 984 contribution towards the cost of health insurance, payment or  
 985 reimbursement of health care expenses for the child, or any  
 986 combination thereof;  
 987 7. The beginning date of any required monthly payments and  
 988 health insurance;  
 989 8. That all support payments ordered must be paid to the  
 990 Florida State Disbursement Unit as provided by s. 61.1824;  
 991 9. That the parents, or caregiver ~~caretaker~~ ~~relative~~ if  
 992 applicable, must file with the department when the  
 993 administrative support order is rendered, if they have not  
 994 already done so, and update as appropriate the information  
 995 required pursuant to paragraph (13) (b);  
 996 10. 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 pursuant to  
 999 paragraph (13) (c); and  
 1000 11. That if the parent ordered to pay support receives  
 1001 unemployment compensation benefits, the payor shall withhold,  
 1002 and transmit to the department, 40 percent of the benefits for  
 1003 payment of support, not to exceed the amount owed.  
 1004  
 1005 An income deduction order as provided by s. 61.1301 must be  
 1006 incorporated into the administrative support order or, if not  
 1007 incorporated into the administrative support order, the

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1008 department or the Division of Administrative Hearings shall  
 1009 render a separate income deduction order.

1010 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO  
 1011 ADDRESS OF RECORD.—In all proceedings pursuant to this section:

1012 (a) Each parent must execute and furnish to the  
 1013 department, no later than 20 days after receipt of the notice of  
 1014 proceeding to establish administrative support order, a  
 1015 financial affidavit in the form prescribed by the department. An  
 1016 updated financial affidavit must be executed and furnished to  
 1017 the department at the inception of each proceeding to modify an  
 1018 administrative support order. A caregiver ~~Caretaker relatives~~ is  
 1019 ~~are~~ not required to furnish a financial affidavits.

1020 (b) Each parent and caregiver ~~caretaker relative~~ if  
 1021 applicable, shall disclose to the department, no later than 20  
 1022 days after receipt of the notice of proceeding to establish  
 1023 administrative support order, and update as appropriate,  
 1024 information regarding his or her identity and location,  
 1025 including names he or she is known by; social security number;  
 1026 residential and mailing addresses; telephone numbers; driver's  
 1027 license numbers; and names, addresses, and telephone numbers of  
 1028 employers. Pursuant to the federal Personal Responsibility and  
 1029 Work Opportunity Reconciliation Act of 1996, each person must  
 1030 provide his or her social security number in accordance with  
 1031 this section. Disclosure of social security numbers obtained  
 1032 through this requirement shall be limited to the purpose of  
 1033 administration of the Title IV-D program for child support  
 1034 enforcement.

1035 (c) Each parent and caregiver ~~caretaker relative~~, if

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1036 applicable, has a continuing obligation to promptly inform the  
 1037 department in writing of any change in his or her mailing  
 1038 address to ensure receipt of all subsequent pleadings, notices,  
 1039 payments, statements, and orders, and receipt is presumed if  
 1040 sent by regular mail to the most recent address furnished by the  
 1041 person.

1042 Section 9. Subsection (7) of section 409.25635, Florida  
 1043 Statutes, is amended to read:

1044 409.25635 Determination and collection of noncovered  
 1045 medical expenses.—

1046 (7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.—Any  
 1047 administrative remedy available for collection of support may be  
 1048 used to collect noncovered medical expenses that are determined  
 1049 or established under this section. The department may collect  
 1050 noncovered medical expenses in installments by adding a periodic  
 1051 payment to an income deduction notice issued by the department.

1052 Section 10. Effective November 1, 2010, subsections (4)  
 1053 and (11) of section 409.2564, Florida Statutes, are amended to  
 1054 read:

1055 409.2564 Actions for support.—

1056 (4) Whenever the Department of Revenue has undertaken an  
 1057 action for enforcement of support, the Department of Revenue may  
 1058 enter into an agreement with the obligor for the entry of a  
 1059 judgment determining paternity, if applicable, and for periodic  
 1060 child support payments based on the child support guidelines  
 1061 schedule in s. 61.30. Prior to entering into this agreement, the  
 1062 obligor shall be informed that a judgment will be entered based  
 1063 on the agreement. The clerk of the court shall file the

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1064 agreement without the payment of any fees or charges, and the  
 1065 court, upon entry of the judgment, shall forward a copy of the  
 1066 judgment to the parties to the action. ~~To encourage out-of-court~~  
 1067 ~~settlement and promote support order compliance, if the obligor~~  
 1068 ~~and the Department of Revenue agree on entry of a support order~~  
 1069 ~~and its terms, the guideline amount owed for retroactive support~~  
 1070 ~~that is permanently assigned to the state shall be reduced by 25~~  
 1071 ~~percent.~~

1072 (11) (a) The department ~~Title IV-D agency~~ shall review  
 1073 child support orders in IV-D cases at least every 3 years upon  
 1074 request by either party, or the agency in cases where there is  
 1075 an assignment of support to the state under s. 414.095(7), and  
 1076 may seek modification ~~adjustment~~ of the order if appropriate  
 1077 under the guidelines schedule established in s. 61.30. Not less  
 1078 than once every 3 years the department ~~IV-D agency~~ shall provide  
 1079 notice to the parties subject to the order informing them of  
 1080 their right to request a review and, if appropriate,  
 1081 modification ~~an adjustment~~ of the child support order. The ~~Said~~  
 1082 notice requirement may be met by including appropriate language  
 1083 in the initial support order or any subsequent orders.

1084 (b) If the department's review of a support order entered by  
 1085 the circuit court indicates that the order should be modified,  
 1086 the department, through counsel, shall file a petition to modify  
 1087 the order with the court. Along with the petition, the  
 1088 department shall file a child support guideline worksheet, any  
 1089 financial affidavits received from the parties or completed by  
 1090 the agency as part of the support order review, a proposed  
 1091 modified order, and a notice that informs the parties of the

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1092 requirement to file an objection or a request for hearing with  
1093 the court if the party wants a court hearing on the petition to  
1094 modify. A copy of the petition, proposed order, and other  
1095 documents shall be served by regular mail on a party who  
1096 requested support order review or who responded to the  
1097 department during the review. A party who did not request  
1098 support order review or respond to the department during the  
1099 review shall be served by certified mail, return receipt  
1100 requested, restricted delivery or served personally in any  
1101 manner authorized by chapter 48.

1102 (c) To obtain a court hearing on a petition to modify, a  
1103 party who is served by regular mail must file an objection to  
1104 the proposed order or a request for hearing with the court  
1105 within 30 days of the date of mailing of the petition, proposed  
1106 order, and other documents. If a party is served personally or  
1107 by certified mail, to obtain a court hearing the party must file  
1108 an objection to the proposed order or a request for hearing with  
1109 the court within 30 days of the date of receipt of the petition,  
1110 proposed order, and other documents.

1111 (d) If a timely objection or request for hearing is not  
1112 filed with the court, the court may modify the support order  
1113 without a hearing in accordance with the terms of the proposed  
1114 order.

1115 (e) If a support order does not provide for payment of  
1116 noncovered medical expenses or require health insurance for the  
1117 minor child and it is accessible to the child and available at  
1118 reasonable cost, the department shall seek to have the order  
1119 modified and any modification shall be made without a

1120 requirement for proof or showing of a change in circumstances.

1121 Section 11. Subsection (5) of section 409.2567, Florida  
 1122 Statutes, is amended to read:

1123 409.2567 Services to individuals not otherwise eligible.—

1124 (5) The Department of Revenue may ~~shall~~ seek a waiver from  
 1125 the Secretary of the United States Department of Health and  
 1126 Human Services to authorize the Department of Revenue to provide  
 1127 services in accordance with Title IV-D of the Social Security  
 1128 Act to individuals who are owed support without need of an  
 1129 application. The department may seek a waiver if it determines  
 1130 that the estimated increase in federal funding to the state  
 1131 would exceed any additional cost to the state if the waiver is

1132 granted If the waiver is granted, the Department of Revenue  
 1133 shall adopt rules to implement the waiver and begin providing  
 1134 Title IV-D services if support payments are not being paid as  
 1135 ordered, except that the individual first must be given written  
 1136 notice of the right to refuse Title IV-D services and a  
 1137 reasonable opportunity to respond.

1138 Section 12. Subsection (3) of section 409.259, Florida  
 1139 Statutes, is amended to read:

1140 409.259 Filing fees in Title IV-D cases; electronic filing  
 1141 of pleadings, returns of service, and other papers.—

1142 (3) The clerks of the circuit court, chief judges through  
 1143 the Office of the State Courts Administrator, sheriffs, Office  
 1144 of the Attorney General, and Department of Revenue shall work  
 1145 cooperatively to implement electronic filing of pleadings,  
 1146 returns of service, and other papers with the clerks of the  
 1147 circuit court in Title IV-D cases ~~by October 1, 2009~~ upon

1148 completion of the Child Support Automated Management System II.

1149 Section 13. Paragraph (a) of subsection (20) of section  
1150 409.910, Florida Statutes, is amended to read:

1151 409.910 Responsibility for payments on behalf of Medicaid-  
1152 eligible persons when other parties are liable.—

1153 (20) Entities providing health insurance as defined in s.  
1154 624.603, health maintenance organizations and prepaid health  
1155 clinics as defined in chapter 641, and, on behalf of their  
1156 clients, third-party administrators and pharmacy benefits  
1157 managers as defined in s. 409.901(27) shall provide such records  
1158 and information as are necessary to accomplish the purpose of  
1159 this section, unless such requirement results in an unreasonable  
1160 burden.

1161 (a) The director of the agency and the Director of the  
1162 Office of Insurance Regulation of the Financial Services  
1163 Commission shall enter into a cooperative agreement for  
1164 requesting and obtaining information necessary to effect the  
1165 purpose and objective of this section.

1166 1. The agency shall request only that information  
1167 necessary to determine whether health insurance as defined  
1168 pursuant to s. 624.603, or those health services provided  
1169 pursuant to chapter 641, could be, should be, or have been  
1170 claimed and paid with respect to items of medical care and  
1171 services furnished to any person eligible for services under  
1172 this section.

1173 2. All information obtained pursuant to subparagraph 1. is  
1174 confidential and exempt from s. 119.07(1). The agency shall  
1175 provide the information obtained pursuant to subparagraph 1.of

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1176 this subsection to the Department of Revenue for purposes of  
 1177 administering the state Title IV-D program. The agency and the  
 1178 department shall enter into a cooperative agreement for purposes  
 1179 of implementing this requirement.

1180 3. The cooperative agreement or rules adopted under this  
 1181 subsection may include financial arrangements to reimburse the  
 1182 reporting entities for reasonable costs or a portion thereof  
 1183 incurred in furnishing the requested information. Neither the  
 1184 cooperative agreement nor the rules shall require the automation  
 1185 of manual processes to provide the requested information.

1186 Section 14. Subsection (7) of section 414.095, Florida  
 1187 Statutes, is amended to read:

1188 414.095 Determining eligibility for temporary cash  
 1189 assistance.—

1190 (7) ASSIGNMENT OF RIGHTS TO SUPPORT.—As a condition of  
 1191 receiving temporary cash assistance, the family must assign to  
 1192 the ~~department~~ Department of Revenue any rights a member of a  
 1193 family may have to support from any other person. This applies  
 1194 to any family member; however, the assigned amounts must not  
 1195 exceed the total amount of temporary cash assistance provided to  
 1196 the family. The assignment of support does not apply if the  
 1197 family leaves the program.

1199 Section 15. Subsection (1) of section 741.01, Florida  
 1200 Statutes, is amended to read:

1201 741.01 County court judge or clerk of the circuit court to  
 1202 issue marriage license; fee.—

1203 (1) Every marriage license shall be issued by a county

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1204 court judge or clerk of the circuit court under his or her hand  
1205 and seal. The county court judge or clerk of the circuit court  
1206 shall issue such license, upon application for the license, if  
1207 there appears to be no impediment to the marriage. An  
1208 application for a marriage license must allow both parties to  
1209 the marriage to state under oath in writing if they are the  
1210 parents of a child born in Florida and to identify any such  
1211 child they have in common by name, date of birth, place of  
1212 birth, and, if available, birth certificate number. The name of  
1213 any child recorded by both parties must be transmitted to the  
1214 Department of Health with the original marriage license and  
1215 endorsements. The county court judge or clerk of the circuit  
1216 court shall collect and receive a fee of \$2 for receiving the  
1217 application for the issuance of a marriage license.

1218 Section 16. This act shall take effect upon becoming law  
1219 except as otherwise specified herein.