

## House Bill No. 1283

An act relating to child support; amending s. 61.13, F.S.; providing a civil penalty and attorney's fees and costs for noncompliance with a requirement to enroll a child in health care coverage; providing for enforcement by the Department of Revenue; repealing a provision relating to a judicial circuit with a work experience and job training pilot project; amending s. 61.1301, F.S.; providing for the repayment of a support delinquency through income deduction; providing for application to support orders or income deduction orders entered before July 1, 2006; requiring an obligor contesting an income deduction order rendered by a Title IV-D agency to file the petition with the Title IV-D agency; requiring the department to provide payors with Internet access to income deduction and national medical support notices issued by the department on or after July 1, 2006; amending s. 61.13016, F.S.; providing for suspension of a driver's license to enforce compliance with an order to appear for genetic testing; amending s. 61.1354, F.S.; requiring a Title IV-D agency to provide information relating to the amount of current support owed by an obligor; amending s. 61.14, F.S.; authorizing the circuit court to enforce a support order by ordering the obligor to seek employment, file periodic reports with the court or the department, notify the court or department upon obtaining employment, income, or property, and participate in jobs programs; providing for contempt of court; repealing provisions related to a judicial circuit with a work experience and job training pilot project; correcting a cross reference; providing for recovery of support arrearages from workers' compensation lump-sum settlements; requiring the Office of the Judges of Compensation Claims to adopt procedural rules; requiring local depositories to electronically provide the department with certain data; amending s. 61.1814, F.S.; providing for fines for failure or refusal to submit to genetic testing to be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund; correcting a cross reference; amending s. 61.1824, F.S.; requiring the State Disbursement Unit to provide for electronic disbursement of support payments to obligees, notify obligees of electronic disbursement options, and encourage use of such options; requiring electronic remittance of support payments by certain employers; providing for waivers; amending s. 61.30, F.S.; correcting a cross reference and reenacting s. 61.30(8), F.S., relating to child support guidelines for health insurance costs and other medical expenses of a child, to incorporate the amendment to s. 61.13, F.S., in a reference thereto; amending s. 120.80, F.S.; providing for entry of final orders by the Division of Administrative Hearings in proceedings to establish paternity or paternity and child support; providing for the right to immediate judicial review to contest an administrative order for genetic testing; providing for judicial enforcement of agency final orders; providing for venue of administrative hearings in paternity proceedings and determinations of noncovered

medical expenses; amending s. 322.142, F.S.; authorizing the department to obtain digital photographs and signatures from the Department of Highway Safety and Motor Vehicles for use in establishing paternity and establishing, modifying, or enforcing support obligations; amending s. 382.013, F.S.; requiring the Department of Health to amend a child's birth certificate when paternity is established by the Department of Revenue; amending s. 382.015, F.S.; requiring the clerk of the court to ensure that all judicial determinations of paternity are reported to the Department of Health; requiring the Department of Health to monitor compliance and report data to the clerks of the court; amending s. 382.016, F.S.; providing for the Department of Health to leave birth certificates and related papers unsealed when a father is listed pursuant to an acknowledgment of paternity; providing for the Department of Health to amend the birth certificate of a child born in the state whose paternity is established in another state; providing for the Department of Revenue to develop written educational materials concerning establishment of paternity for use and distribution by Department of Children and Family Services, Department of Corrections, Department of Education, Department of Health, and Department of Juvenile Justice; creating s. 382.357, F.S.; providing for the Department of Health, Department of Revenue, Florida Hospital Association, Florida Association of Court Clerks, and one or more local registrars to study the feasibility of and report on the filing of original and new or amended birth certificates with the Department of Health; requiring a report to the Legislature; amending s. 395.003, F.S.; requiring a hospital providing birthing services to comply with s. 382.013(2)(c), F.S., when applying for certain licenses; prohibiting fines and sanctions against hospitals for noncompliance with s. 382.013(2)(c), F.S.; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules relating to administrative proceedings to establish paternity, paternity and child support orders, and orders to appear for genetic testing; amending s. 409.2558, F.S.; providing for a determination by the Department of Revenue that a collection or refund is undistributable; requiring the Department of Revenue to make reasonable efforts to locate persons to whom collections or refunds are owed; providing for location efforts to include disclosure through a searchable database of the names of obligees, obligors, and depository account numbers on the Internet in compliance with certain requirements; creating s. 409.256, F.S.; providing definitions; authorizing the Department of Revenue to administratively establish paternity based on the results of genetic testing; providing for notice, opportunity for administrative hearing, and right to judicial review; authorizing the Department of Revenue to combine a paternity proceeding with an administrative proceeding under s. 409.2563, F.S.; providing for administrative orders to appear for genetic testing and right to contest; providing for scheduling of genetic testing and rescheduling for good cause; providing sanctions for failure or refusal to submit to genetic testing; providing for a presumption of paternity based on specified genetic testing results; providing for admissibility of genetic testing results at administrative hearings; providing for hearings to be conducted by the Division

of Administrative Hearings in accordance with ch. 120, F.S.; providing that a final order issued by an administrative law judge constitutes final agency action by the Department of Revenue; providing that a final order establishing paternity has the same effect as a judgment entered by a court pursuant to ch. 742, F.S.; requiring a respondent to notify the Department of Revenue of changes of address and that subsequent notice by mail is deemed to have been received; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2561, F.S.; providing that no obligation of support shall be incurred by a recipient of supplemental security income or temporary cash assistance for the benefit of a dependent child; amending s. 409.2563, F.S.; authorizing the Department of Revenue to establish an administrative support order when paternity is determined pursuant to s. 409.256, F.S.; creating s. 409.25635, F.S.; authorizing the Department of Revenue to determine the amount owed by an obligor for noncovered medical expenses in Title IV-D cases; defining “noncovered medical expenses”; providing for notice, opportunity for administrative hearing, and right to judicial review; requiring a written declaration under penalty of perjury by the obligee and documentation of claims; providing that a determination by the Department of Revenue has the same effect as a judgment entered by a court; providing for filing an uncontested notice or final order with the local depository; authorizing the Department of Revenue to collect noncovered medical expenses by using the same remedies available for collection of support; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2564, F.S.; repealing provision relating to judicial circuits with a work experience and job training pilot project; providing for a reduction in the amount of retroactive support permanently assigned to the state when the obligor and the Department of Revenue agree to entry of a support order based on the child support guidelines; amending s. 409.25645, F.S.; providing for correctional facilities to assist putative fathers in complying with administrative orders for genetic testing; providing that an administrative order for genetic testing has the same force and effect as a court order; amending s. 409.2567, F.S.; authorizing the Department of Revenue to seek a federal waiver from the requirement that an individual must apply for Title IV-D services; providing for the Department of Revenue to adopt rules if a waiver is granted and provide Title IV-D services if support payments are not paid as ordered unless the individual refuses services after notice; providing an application fee for child support services provided by the Department of Revenue, waiver of the fee, and payment by the department; removing rulemaking authority of the Department of Children and Family Services relating to the application fee and deposit thereof; amending s. 409.2598, F.S.; revising provisions relating to license suspension to enforce support orders; authorizing the Department of Revenue to commence a proceeding to suspend an obligor’s occupational, business, trade, professional, or recreational license for noncompliance with

a support order; providing for notice by regular mail, opportunity to contest in circuit court, grounds for contesting, and stay of proceedings if a timely petition to contest is filed; providing for written agreement with the Department of Revenue to avoid suspension, reinstatement notice upon compliance, and suspension if the obligor does not comply after notice, does not contest, or does not comply with a written agreement unless the obligor notifies the department of inability to comply with the written agreement; providing for full disclosure by obligor of income, assets, and employment; providing for reinstatement upon court order; providing for license suspension to enforce subpoenas, orders to appear, or similar orders; providing for combining a proceeding to enforce a support order with a proceeding to suspend a driver's license, under certain circumstances; authorizing the Department of Revenue to adopt rules; amending s. 409.259, F.S.; requiring the clerks of the circuit court, chief judges through the Office of the State Courts Administrator, sheriffs, Office of the Attorney General, and Department of Revenue to work cooperatively to implement electronic filing of pleadings, returns of service, and other papers by October 1, 2009; amending s. 409.821, F.S.; requiring the Agency for Health Care Administration to disclose information identifying Florida KidCare applicants or enrollees to the Department of Revenue for purposes of administering the state's Title IV-D program; amending s. 414.065, F.S.; providing that a court may order a noncustodial parent who is delinquent pursuant to the terms of a support order to participate in work activities under ch. 414, F.S., or as provided in s. 61.14(5)(b), F.S.; amending s. 443.051, F.S.; revising provisions relating to interception of child support benefits; providing and revising definitions; requiring the Agency for Workforce Innovation to deduct and withhold a specified percentage of unemployment compensation otherwise payable to an individual who owes a support obligation, under certain circumstances; providing for the Department of Revenue to promptly refund any excess deduction to the obligor; amending s. 455.203, F.S.; repealing authority to screen license applicants for compliance with support obligations; requiring the Department of Business and Professional Regulation to cooperate with the Department of Revenue to implement an automated method for current license disclosure; requiring the Department of Revenue to suspend or deny licenses for noncompliance with a support order; providing for issuance or restatement upon proof of compliance; amending s. 742.10, F.S.; providing that when paternity is adjudicated by the Department of Revenue pursuant to s. 409.256, F.S., such adjudication constitutes the establishment of paternity for purposes of ch. 742, F.S.; amending s. 760.40, F.S.; providing for genetic testing in paternity cases and disclosure of test results as authorized by s. 409.256, F.S.; amending s. 827.06, F.S.; repealing provisions that require exhaustion of civil remedies before a criminal prosecution for nonsupport of dependents is commenced, a prior adjudication of contempt for failure to comply with a support order, notice by the state attorney prior to prosecution, and mandatory minimum fines and imprisonment; providing for the state attorneys, the Florida Prosecuting

Attorneys Association, and the Department of Revenue to identify strategies for pursuing criminal prosecution in certain cases and to submit a report to the Governor and Legislature; providing effective dates.

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

Section 1. Effective October 1, 2005, paragraphs (b) and (e) of subsection (1) of section 61.13, Florida Statutes, are amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(1)

(b) Each order for support shall contain a provision for health care coverage for the minor child when the coverage is reasonably available. Coverage is reasonably available if either the obligor or obligee has access at a reasonable rate to a group health plan. The court may require the obligor either to provide health care coverage or to reimburse the obligee for the cost of health care coverage for the minor child when coverage is provided by the obligee. In either event, the court shall apportion the cost of coverage, and any noncovered medical, dental, and prescription medication expenses of the child, to both parties by adding the cost to the basic obligation determined pursuant to s. 61.30(6). The court may order that payment of uncovered medical, dental, and prescription medication expenses of the minor child be made directly to the obligee on a percentage basis.

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

a. The obligor fails to provide written proof to the obligee within 30 days after receiving effective notice of the court order, that the health care coverage has been obtained or that application for coverage has been made;

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

c. The obligor fails within 15 days after the mailing of the notice to provide written proof to the obligee that the health care coverage existed as of the date of mailing.

2.a. A support order enforced under Title IV-D of the Social Security Act which requires that the obligor provide health care coverage is enforceable by the department through the use of the national medical support notice, and an amendment to the support order is not required. The department shall transfer the national medical support notice to the obligor's union or employer. The department shall notify the obligor in writing that the notice has been sent to the obligor's union or employer, and the written notification must include the obligor's rights and duties under the national medical support notice. The obligor may contest the withholding required by the

national medical support notice based on a mistake of fact. To contest the withholding, the obligor must file a written notice of contest with the department within 15 business days after the date the obligor receives written notification of the national medical support notice from the department. Filing with the department is complete when the notice is received by the person designated by the department in the written notification. The notice of contest must be in the form prescribed by the department. Upon the timely filing of a notice of contest, the department shall, within 5 business days, schedule an informal conference with the obligor to discuss the obligor's factual dispute. If the informal conference resolves the dispute to the obligor's satisfaction or if the obligor fails to attend the informal conference, the notice of contest is deemed withdrawn. If the informal conference does not resolve the dispute, the obligor may request an administrative hearing under chapter 120 within 5 business days after the termination of the informal conference, in a form and manner prescribed by the department. However, the filing of a notice of contest by the obligor does not delay the withholding of premium payments by the union, employer, or health plan administrator. The union, employer, or health plan administrator must implement the withholding as directed by the national medical support notice unless notified by the department that the national medical support notice is terminated.

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

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

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

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

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

- (I) Current support, as ordered.
- (II) Premium payments for health care coverage, as ordered.
- (III) Past due support, as ordered.
- (IV) Other medical support or coverage, as ordered.

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

- (I) Current support, as ordered.
- (II) Past due support, as ordered.
- (III) Other medical support or coverage, as ordered.

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

~~7.6.~~ The department of Revenue may adopt rules to administer the child support enforcement provisions of this section that ~~which~~ affect Title IV-D cases.

~~(e) In a judicial circuit with a work experience and job training pilot project, if the obligor is unemployed or has no income and does not have an account at a financial institution, then the court shall order the obligor to seek employment, if the obligor is able to engage in employment, and to immediately notify the court upon obtaining employment, upon obtaining any income, or upon obtaining any ownership of any asset with a value of \$500 or more. If the obligor is still unemployed 30 days after any order for support, the court may order the obligor to enroll in the work experience, job placement, and job training pilot program for noncustodial parents as established in s. 409.2565, if the obligor is eligible for entrance into the pilot program.~~

Section 2. Effective July 1, 2006, paragraphs (b), (e), and (f) of subsection (1) of section 61.1301, Florida Statutes, are amended, paragraph (c) is added to subsection (3), and subsection (5) is added to said section, to read:

## 61.1301 Income deduction orders.—

(1) ISSUANCE IN CONJUNCTION WITH AN ORDER ESTABLISHING, ENFORCING, OR MODIFYING AN OBLIGATION FOR ALIMONY OR CHILD SUPPORT.—

(b) The income deduction order shall:

1. Direct a payor to deduct from all income due and payable to an obligor the amount required by the court to meet the obligor's support obligation including any attorney's fees or costs owed and forward the deducted amount pursuant to the order.

2. State the amount of arrearage owed, if any, and direct a payor to withhold an additional 20 percent or more of the periodic amount specified in the order establishing, enforcing, or modifying the obligation, until full payment is made of any arrearage, attorney's fees and costs owed, provided no deduction shall be applied to attorney's fees and costs until the full amount of any arrearage is paid.;

3. Provide that if a delinquency accrues after the order establishing, modifying, or enforcing the obligation has been entered and there is no order for repayment of the delinquency or a preexisting arrearage, a payor shall deduct an additional 20 percent of the current support obligation or other amount agreed to by the parties until the delinquency and any attorney's fees and costs are paid in full. No deduction may be applied to attorney's fees and costs until the delinquency is paid in full.

~~4.3.~~ Direct a payor not to deduct in excess of the amounts allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended.;

~~5.4.~~ Direct whether a payor shall deduct all, a specified portion, or no income which is paid in the form of a bonus or other similar one-time payment, up to the amount of arrearage reported in the income deduction notice or the remaining balance thereof, and forward the payment to the governmental depository. For purposes of this subparagraph, "bonus" means a payment in addition to an obligor's usual compensation and which is in addition to any amounts contracted for or otherwise legally due and shall not include any commission payments due an obligor.;

~~6.5.~~ In Title IV-D cases, direct a payor to provide to the court depository the date on which each deduction is made.;

~~7.6.~~ In Title IV-D cases, if an obligation to pay current support is reduced or terminated due to emancipation of a child and the obligor owes an arrearage, retroactive support, delinquency, or costs, direct the payor to continue the income deduction at the rate in effect immediately prior to emancipation until all arrearages, retroactive support, delinquencies, and costs are paid in full or until the amount of withholding is modified.;

~~and~~

~~8.7.~~ Direct that, at such time as the State Disbursement Unit becomes operational, all payments in those cases in which the obligee is receiving

Title IV-D services and in those cases in which the obligee is not receiving Title IV-D services in which the initial support order was issued in this state on or after January 1, 1994, and in which the obligor's child support obligation is being paid through income deduction, be made payable to and delivered to the State Disbursement Unit. Notwithstanding any other statutory provision to the contrary, funds received by the State Disbursement Unit shall be held, administered, and disbursed by the State Disbursement Unit pursuant to the provisions of this chapter.

(e) ~~Statement of obligor's rights.~~ When the court orders the income deduction to be effective immediately, the court shall furnish to the obligor a statement of his or her rights, remedies, and duties in regard to the income deduction order. The statement shall state:

1. All fees or interest which shall be imposed.
2. The total amount of income to be deducted for each pay period until the arrearage, if any, is paid in full and shall state the total amount of income to be deducted for each pay period thereafter. The amounts deducted may not be in excess of that allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended.
3. That the income deduction order applies to current and subsequent payors and periods of employment.
4. That a copy of the income deduction order or, in Title IV-D cases, the income deduction notice will be served on the obligor's payor or payors.
5. That enforcement of the income deduction order may only be contested on the ground of mistake of fact regarding the amount owed pursuant to the order establishing, enforcing, or modifying the obligation, the arrearages, or the identity of the obligor, the payor, or the obligee.
6. That the obligor is required to notify the obligee and, when the obligee is receiving IV-D services, the IV-D agency within 7 days of changes in the obligor's address, payors, and the addresses of his or her payors.
7. That in a Title IV-D case, if an obligation to pay current support is reduced or terminated due to emancipation of a child and the obligor owes an arrearage, retroactive support, delinquency, or costs, income deduction continues at the rate in effect immediately prior to emancipation until all arrearages, retroactive support, delinquencies, and costs are paid in full or until the amount of withholding is modified.

(f) ~~Notice of delinquency.~~ If a support order was entered before January 1, 1994, ~~or the court orders the income deduction to be effective upon a delinquency as provided in paragraph (c), or a delinquency has accrued under an order entered before July 1, 2006, that established, modified, or enforced the obligation and there is no order for repayment of the delinquency or a preexisting arrearage,~~ the obligee or, in Title IV-D cases, the Title IV-D agency may enforce the income deduction by serving a notice of delinquency on the obligor under this paragraph subsection.

1. The notice of delinquency shall state:
    - a. The terms of the order establishing, enforcing, or modifying the obligation.
    - b. The period of delinquency and the total amount of the delinquency as of the date the notice is mailed.
    - c. All fees or interest which may be imposed.
    - d. The total amount of income to be deducted for each pay period until the arrearage, and all applicable fees and interest, is paid in full and shall state the total amount of income to be deducted for each pay period thereafter. The amounts deducted may not be in excess of that allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended.
    - e. That the income deduction order applies to current and subsequent payors and periods of employment.
    - f. That a copy of the notice of delinquency will be served on the obligor's payor or payors, together with a copy of the income deduction order or, in Title IV-D cases, the income deduction notice, unless the obligor applies to the court to contest enforcement of the income deduction. If the income deduction order being enforced was rendered by the Title IV-D agency pursuant to s. 409.2563 and the obligor contests the deduction, the obligor shall file a petition for an administrative hearing with the Title IV-D agency. The application or petition shall be filed within 15 days after the date the notice of delinquency was served.
    - g. That enforcement of the income deduction order may only be contested on the ground of mistake of fact regarding the amount owed pursuant to the order establishing, enforcing, or modifying the obligation, the amount of arrearages, or the identity of the obligor, the payor, or the obligee.
    - h. That the obligor is required to notify the obligee of the obligor's current address and current payors and of the address of current payors. All changes shall be reported by the obligor within 7 days. If the IV-D agency is enforcing the order, the obligor shall make these notifications to the agency instead of to the obligee.
  2. The failure of the obligor to receive the notice of delinquency does not preclude subsequent service of the income deduction order or, in Title IV-D cases, the income deduction notice on the obligor's payor. A notice of delinquency which fails to state an arrearage does not mean that an arrearage is not owed.
- (3)
- (c) If a delinquency accrues after an order establishing, modifying, or enforcing a support obligation has been entered, an income deduction order entered after July 1, 2006, is in effect, and there is no order for repayment of the delinquency or a preexisting arrearage, a payor who is served with an

income deduction order or, in a Title IV-D case, an income deduction notice shall deduct an additional 20 percent of the current support obligation or other amount agreed to by the parties until the delinquency and any attorney's fees and costs are paid in full. No deduction may be applied to attorney's fees and costs until the delinquency is paid in full.

(5) By July 1, 2006, the department shall provide a payor with Internet access to income deduction and national medical support notices issued by the department on or after July 1, 2006, concerning an obligor to whom the payor pays income. The department shall provide a payor who requests Internet access with a user code and password to allow the payor to receive notices electronically and to download the information necessary to begin income deduction and health care coverage enrollment. If a participating payor does not respond to electronic notice by accessing the data posted by the department within 48 hours, the department shall mail the income deduction or medical support notice to the payor.

Section 3. Effective January 1, 2006, subsection (4) is added to section 61.13016, Florida Statutes, to read:

61.13016 Suspension of driver's licenses and motor vehicle registrations.—

(4) The procedures prescribed in this section and s. 322.058 may be used to enforce compliance with an order to appear for genetic testing.

Section 4. Effective July 1, 2006, subsections (1) and (2) of section 61.1354, Florida Statutes, are amended to read:

61.1354 Sharing of information between consumer reporting agencies and the IV-D agency.—

(1) Upon receipt of a request from a consumer reporting agency as defined in s. 603(f) of the Fair Credit Reporting Act, the IV-D agency or the depository in non-Title-IV-D cases shall make available information relating to the amount of current and overdue support owed by an obligor. The IV-D agency or the depository in non-Title-IV-D cases shall give the obligor written notice, at least 15 days prior to the release of information, of the IV-D agency's or depository's authority to release information to consumer reporting agencies relating to the amount of current and overdue support owed by the obligor. The obligor shall be informed of his or her right to request a hearing with the IV-D agency or the court in non-Title-IV-D cases to contest the accuracy of the information.

(2) The IV-D agency shall report periodically to appropriate consumer reporting agencies, as identified by the IV-D agency, the name and social security number of any delinquent obligor, ~~and the amount of overdue support owed by the obligor, and the amount of the obligor's current support obligation when the overdue support is paid.~~ The IV-D agency, or its designee, shall provide the obligor with written notice, at least 15 days prior to the initial release of information, of the IV-D agency's authority to release the information periodically to the consumer reporting agencies. The notice shall state the amount of overdue support owed and shall inform the obligor

of the right to request a hearing with the IV-D agency within 15 days after receipt of the notice to contest the accuracy of the information. After the initial notice is given, no further notice or opportunity for a hearing need be given when updated information concerning the same obligor is periodically released to the consumer reporting agencies.

Section 5. Effective October 1, 2005, subsection (5) of section 61.14, Florida Statutes, is amended to read:

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

(5)(a) When a court of competent jurisdiction enters an order for the payment of alimony or child support or both, the court shall make a finding of the obligor's imputed or actual present ability to comply with the order. If the obligor subsequently fails to pay alimony or support and a contempt hearing is held, the original order of the court creates a presumption that the obligor has the present ability to pay the alimony or support and to purge himself or herself from the contempt. At the contempt hearing, the obligor shall have the burden of proof to show that he or she lacks the ability to purge himself or herself from the contempt. This presumption is adopted as a presumption under s. 90.302(2) to implement the public policy of this state that children shall be maintained from the resources of their parents and as provided for in s. 409.2551, and that spouses be maintained as provided for in s. 61.08. The court shall state in its order the reasons for granting or denying the contempt.

(b) In a proceeding in circuit court to enforce a support order under this chapter, chapter 88, chapter 409, or chapter 742, or any other provision of law, if the court finds that payments due under the support order are delinquent or overdue and that the obligor is unemployed, underemployed, or has no income but is able to work or participate in job training, the court may order the obligor to:

1. Seek employment.
2. File periodic reports with the court, or with the department if the department is providing Title IV-D services, detailing the obligor's efforts to seek and obtain employment during the reporting period.
3. Notify the court or the department, as appropriate, upon obtaining employment, income, or property.
4. Participate in job training, job placement, work experience, or other work programs that may be available pursuant to chapter 445, chapter 446, or any other source.

An obligor who willfully fails to comply with a court order to seek work or participate in other work-related activities may be held in contempt of court. This paragraph is in furtherance of the public policy of the state of ensuring that children are maintained from the resources of their parents to the extent possible. In a judicial circuit with a work experience and job training pilot project, if at the time of the contempt hearing the obligor is unemployed

~~or has no income, then the court shall order the obligor to seek employment, if the obligor is able to engage in employment, and to immediately notify the court upon obtaining employment, upon obtaining any income, or upon obtaining any ownership of any asset with a value of \$500 or more. If the obligor is still unemployed 30 days after any order for support, the court may order the obligor to enroll in a work experience, job placement, and job training program for noncustodial parents as established in s. 409.2565, if the obligor is eligible for entrance into the pilot program.~~

Section 6. Paragraph (b) of subsection (1) of section 61.14, Florida Statutes, is amended to read:

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

(1)

(b) For each support order reviewed by the department as required by s. 409.2564(11)(12), if the amount of the child support award under the order differs by at least 10 percent but not less than \$25 from the amount that would be awarded under s. 61.30, the department shall seek to have the order modified and any modification shall be made without a requirement for proof or showing of a change in circumstances.

Section 7. Effective December 1, 2005, paragraph (a) of subsection (8) of section 61.14, Florida Statutes, is amended to read:

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

(8)(a) When an employee and an employer reach agreement for a lump-sum settlement under s. 440.20(11), no proceeds of the settlement shall be disbursed to the employee, nor shall any attorney's fees be disbursed, until after a judge of compensation claims reviews the proposed disbursement and enters an order finding the settlement provides for appropriate recovery of any support arrearage. The employee, or the employee's attorney if the employee is represented, shall submit a written statement from the department that indicates whether the worker owes unpaid support and, if so, the amount owed. In addition, the judge of compensation claims may require the employee to submit a similar statement from a local depository established under s. 61.181. A sworn statement by the employee that all existing support obligations have been disclosed is also required. If the judge finds the proposed allocation of support recovery insufficient, the parties may amend the allocation of support recovery within the settlement agreement to make the allocation of proceeds sufficient. The Office of the Judges of Compensation Claims shall adopt procedural rules to implement this paragraph. When reviewing and approving any lump-sum settlement under s. 440.20(11)(a) and (b), a judge of compensation claims must consider whether the settlement serves the interests of the worker and the worker's family, including, but not limited to, whether the settlement provides for appropriate recovery of any child support arrearage.

Section 8. Effective January 1, 2006, paragraph (g) is added to subsection (6) of section 61.14, Florida Statutes, to read:

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

(6)

(g) The local depository shall send the department monthly by electronic means a list of all Title IV-D and non-Title IV-D cases in which a judgment by operation of law has been recorded during the month for which the data is provided. At a minimum, the depository shall provide the names of the obligor and obligee, social security numbers of the obligor and obligee, if available, and depository number.

Section 9. Effective January 1, 2006, paragraph (e) of subsection (2) of section 61.1814, Florida Statutes, is amended to read:

61.1814 Child Support Enforcement Application and Program Revenue Trust Fund.—

(2) With the exception of fees required to be deposited in the Clerk of the Court Child Support Enforcement Collection System Trust Fund under s. 61.181(2)(b) and collections determined to be undistributable or unidentifiable under s. 409.2558, the fund shall be used for the deposit of Title IV-D program income received by the department. Each type of program income received shall be accounted for separately. Program income received by the department includes, but is not limited to:

(e) Fines imposed under ss. ~~409.256(7)(b)~~, ~~409.2564(7),(8)~~ and 409.2578.

Section 10. Effective upon this act becoming a law, paragraph (d) of subsection (3) and subsection (6) of section 61.1824, Florida Statutes, are amended to read:

61.1824 State Disbursement Unit.—

(3) The State Disbursement Unit shall perform the following functions:

(d) To the extent feasible, use automated procedures for the collection and disbursement of support payments, including, but not limited to, having procedures for:

1. Receipt of payments from obligors, employers, other states and jurisdictions, and other entities.

2. Timely disbursement of payments to obligees, the department, and other state Title IV-D agencies.

3. Accurate identification of payment source and amount.

4. Furnishing any parent, upon request, timely information on the current status of support payments under an order requiring payments to be made by or to the parent, except that in cases described in paragraph (1)(b),

prior to the date the State Disbursement Unit becomes fully operational, the State Disbursement Unit shall not be required to convert and maintain in automated form records of payments kept pursuant to s. 61.181.

5. Electronic disbursement of support payments to obligees. The State Disbursement Unit shall notify obligees of electronic disbursement options and encourage their use through promotional material.

~~(6) Effective October 1, 1999, or such earlier date as the State Disbursement Unit becomes operational, all support payments for cases to which the requirements of this section apply shall be made payable to and delivered to the State Disbursement Unit. Effective October 1, 2006, an employer who employed 10 or more employees in any quarter during the preceding state fiscal year or who was subject to and paid tax to the department in an amount of \$30,000 or more shall remit support payments deducted pursuant to an income deduction order or income deduction notice and provide associated case data to the State Disbursement Unit by electronic means approved by the department. The department shall adopt by rule standards for electronic remittance and data transfer that to the extent feasible are consistent with the department's rules for electronic filing and remittance of taxes under ss. 213.755 and 443.163. A waiver granted by the department from the requirement to file and remit electronically under s. 213.755 or s. 443.163 constitutes a waiver from the requirement under this subsection. Notwithstanding any other statutory provision to the contrary, funds received by the State Disbursement Unit shall be held, administered, and disbursed by the State Disbursement Unit pursuant to the provisions of this chapter.~~

Section 11. Paragraph (c) of subsection (1) of section 61.30, Florida Statutes, is amended, and subsection (8) of said section is reenacted, to read:

61.30 Child support guidelines; retroactive child support.—

(1)

(c) For each support order reviewed by the department as required by s. 409.2564(11)(12), if the amount of the child support award under the order differs by at least 10 percent but not less than \$25 from the amount that would be awarded under s. 61.30, the department shall seek to have the order modified and any modification shall be made without a requirement for proof or showing of a change in circumstances.

(8) Health insurance costs resulting from coverage ordered pursuant to s. 61.13(1)(b), and any noncovered medical, dental, and prescription medication expenses of the child, shall be added to the basic obligation unless these expenses have been ordered to be separately paid on a percentage basis. After the health insurance costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for health-related costs for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children.

Section 12. Effective January 1, 2006, paragraph (c) of subsection (14) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(14) DEPARTMENT OF REVENUE.—

(c) Proceedings to establish paternity or paternity and child support; orders to appear for genetic testing; proceedings for administrative support orders.—In proceedings to establish paternity or paternity and child support pursuant to s. 409.256 and proceedings for the establishment of administrative support orders pursuant to s. 409.2563, final orders in cases referred by the Department of Revenue to the Division of Administrative Hearings shall be entered by the division's administrative law judge and transmitted to the Department of Revenue for filing and rendering. The Department of Revenue has the right to seek judicial review under s. 120.68 of a final order entered by an administrative law judge. The Department of Revenue or the person ordered to appear for genetic testing may seek immediate judicial review under s. 120.68 of an order issued by an administrative law judge pursuant to s. 409.256(5)(b). Final orders that adjudicate paternity or paternity and child support pursuant to s. 409.256 and administrative support orders rendered pursuant to s. 409.2563 may be enforced pursuant to s. 120.69 or, alternatively, by any method prescribed by law for the enforcement of judicial support orders, except contempt. Hearings held by the Division of Administrative Hearings pursuant to ss. 409.256 and s. 409.2563 shall be held in the judicial circuit where the person receiving services under Title IV-D resides or, if the person receiving services under Title IV-D does not reside in this state, in the judicial circuit where the respondent resides. If the department and the respondent agree, the hearing may be held in another location. If ordered by the administrative law judge, the hearing may be conducted telephonically or by videoconference.

Section 13. Effective October 1, 2006, paragraph (c) of subsection (14) of section 120.80, Florida Statutes, as amended by this act, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(14) DEPARTMENT OF REVENUE.—

(c) Proceedings to establish paternity or paternity and child support; orders to appear for genetic testing; proceedings for administrative support orders.—In proceedings to establish paternity or paternity and child support pursuant to s. 409.256 and proceedings for the establishment of administrative support orders pursuant to s. 409.2563, final orders in cases referred by the Department of Revenue to the Division of Administrative Hearings shall be entered by the division's administrative law judge and transmitted to the Department of Revenue for filing and rendering. The Department of Revenue has the right to seek judicial review under s. 120.68 of a final order entered by an administrative law judge. The Department of Revenue or the person ordered to appear for genetic testing may seek immediate judicial review under s. 120.68 of an order issued by an administrative law judge pursuant to s. 409.256(5)(b). Final orders that adjudicate paternity or paternity and child support pursuant to s. 409.256 and administrative support orders rendered pursuant to s. 409.2563 may be enforced pursuant to s. 120.69 or, alternatively, by any method prescribed by law for the enforcement of judicial support orders, except contempt. Hearings held by the

Division of Administrative Hearings pursuant to ss. 409.256, and 409.2563, and 409.25635 shall be held in the judicial circuit where the person receiving services under Title IV-D resides or, if the person receiving services under Title IV-D does not reside in this state, in the judicial circuit where the respondent resides. If the department and the respondent agree, the hearing may be held in another location. If ordered by the administrative law judge, the hearing may be conducted telephonically or by videoconference.

Section 14. Effective December 1, 2005, subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; to the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations ~~to facilitate service of process~~ in Title IV-D cases; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims, and are exempt from the provisions of s. 119.07(1).

Section 15. Effective January 1, 2006, paragraph (e) of subsection (2) of section 382.013, Florida Statutes, is redesignated as paragraph (f) and a new paragraph (e) is added to said subsection to read:

382.013 Birth registration.—A certificate for each live birth that occurs in this state shall be filed within 5 days after such birth with the local registrar of the district in which the birth occurred and shall be registered by the local registrar if the certificate has been completed and filed in accordance with this chapter and adopted rules. The information regarding registered births shall be used for comparison with information in the state case registry, as defined in chapter 61.

(2) PATERNITY.—

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

Section 16. Effective December 1, 2005, section 382.015, Florida Statutes, is amended to read:

382.015 New certificates of live birth; duty of clerks of court and department.—The clerk of the court in which any proceeding for adoption, annulment of an adoption, affirmation of parental status, or determination of paternity is to be registered, shall within 30 days after the final disposition,

forward to the department a certified copy of the court order, or a report of the proceedings upon a form to be furnished by the department, together with sufficient information to identify the original birth certificate and to enable the preparation of a new birth certificate. The clerk of the court shall implement a monitoring and quality control plan to ensure that all judicial determinations of paternity are reported to the department in compliance with this section. The department shall track paternity determinations reported monthly by county, monitor compliance with the 30-day timeframe, and report the data to the clerks of the court quarterly.

(1) ADOPTION AND ANNULMENT OF ADOPTION.—

(a) Upon receipt of the report or certified copy of an adoption decree, together with the information necessary to identify the original certificate of live birth, and establish a new certificate, the department shall prepare and file a new birth certificate, absent objection by the court decreeing the adoption, the adoptive parents, or the adoptee if of legal age. The certificate shall bear the same file number as the original birth certificate. All names and identifying information relating to the adoptive parents entered on the new certificate shall refer to the adoptive parents, but nothing in the certificate shall refer to or designate the parents as being adoptive. All other items not affected by adoption shall be copied as on the original certificate, including the date of registration and filing.

(b) Upon receipt of the report or certified copy of an annulment-of-adoption decree, together with the sufficient information to identify the original certificate of live birth, the department shall, if a new certificate of birth was filed following an adoption report or decree, remove the new certificate and restore the original certificate to its original place in the files, and the certificate so removed shall be sealed by the department.

(c) Upon receipt of a report or certified copy of an adoption decree or annulment-of-adoption decree for a person born in another state, the department shall forward the report or decree to the state of the registrant's birth. If the adoptee was born in Canada, the department shall send a copy of the report or decree to the appropriate birth registration authority in Canada.

(2) DETERMINATION OF PATERNITY.—Upon receipt of the report or a certified copy of a final decree of determination of paternity, together with sufficient information to identify the original certificate of live birth, the department shall prepare and file a new birth certificate which shall bear the same file number as the original birth certificate. The registrant's name shall be entered as decreed by the court. The names and identifying information of the parents shall be entered as of the date of the registrant's birth.

(3) AFFIRMATION OF PARENTAL STATUS.—Upon receipt of an order of affirmation of parental status issued pursuant to s. 742.16, together with sufficient information to identify the original certificate of live birth, the department shall prepare and file a new birth certificate which shall bear the same file number as the original birth certificate. The names and identifying information of the registrant's parents entered on the new certificate shall be the commissioning couple, but the new certificate may not make reference to or designate the parents as the commissioning couple.

(4) **SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR ORIGINAL.**—When a new certificate of birth is prepared, the department shall substitute the new certificate of birth for the original certificate on file. All copies of the original certificate of live birth in the custody of a local registrar or other state custodian of vital records shall be forwarded to the State Registrar. Thereafter, when a certified copy of the certificate of birth or portion thereof is issued, it shall be a copy of the new certificate of birth or portion thereof, except when a court order requires issuance of a certified copy of the original certificate of birth. In an adoption, change in paternity, affirmation of parental status, undetermined parentage, or court-ordered substitution, the department shall place the original certificate of birth and all papers pertaining thereto under seal, not to be broken except by order of a court of competent jurisdiction or as otherwise provided by law.

(5) **FORM.**—Except for certificates of foreign birth which are registered as provided in s. 382.017, and delayed certificates of birth which are registered as provided in ss. 382.019 and 382.0195, all original, new, or amended certificates of live birth shall be identical in form, regardless of the marital status of the parents or the fact that the registrant is adopted or of undetermined parentage.

(6) **RULES.**—The department shall adopt and enforce all rules necessary for carrying out the provisions of this section.

Section 17. Paragraph (b) of subsection (1) of section 382.016, Florida Statutes, is amended to read:

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

(1) **CERTIFICATE OF LIVE BIRTH AMENDMENT.**—

(b) Upon written request and receipt of an affidavit, a notarized voluntary acknowledgment of paternity signed by the mother and father acknowledging the paternity of a registrant born out of wedlock, or a voluntary acknowledgment of paternity that is witnessed by two individuals and signed under penalty of perjury as specified by s. 92.525(2), together with sufficient information to identify the original certificate of live birth, the department shall prepare a new birth certificate, which shall bear the same file number as the original birth certificate. The names and identifying information of the parents shall be entered as of the date of the registrant's birth. The surname of the registrant may be changed from that shown on the original birth certificate at the request of the mother and father of the registrant, or the registrant if of legal age. If the mother and father marry each other at any time after the registrant's birth, the department shall, upon the request of the mother and father or registrant if of legal age and proof of the marriage, amend the certificate with regard to the parents' marital status as though the parents were married at the time of birth. The department shall substitute the new certificate of birth for the original certificate on file. All copies of the original certificate of live birth in the

custody of a local registrar or other state custodian of vital records shall be forwarded to the State Registrar. Thereafter, when a certified copy of the certificate of birth or portion thereof is issued, it shall be a copy of the new certificate of birth or portion thereof, except when a court order requires issuance of a certified copy of the original certificate of birth. Except for a birth certificate on which a father is listed pursuant to an affidavit or notarized voluntary acknowledgment of paternity signed by the mother and the father or a voluntary acknowledgment of paternity that is witnessed by two individuals and signed under penalty of perjury as specified by s. 92.525(2), the department shall place the original certificate of birth and all papers pertaining thereto under seal, not to be broken except by order of a court of competent jurisdiction or as otherwise provided by law.

Section 18. Effective October 1, 2005, paragraph (d) is added to subsection (1) of section 382.016, Florida Statutes, to read:

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

(1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

(d) For a child born in this state whose paternity is established in another state, the department shall amend the child's birth certificate to include the name of the father upon receipt of:

1. A certified copy of an acknowledgment of paternity, final judgment, or judicial or administrative order from another state that determines the child's paternity; or

2. A noncertified copy of an acknowledgment of paternity, final judgment, or judicial or administrative order from another state that determines the child's paternity when provided with an affidavit or written declaration from the Department of Revenue that states the document was provided by or obtained from another state's Title IV-D program.

The department may not amend a child's birth certificate to include the name of the child's father if paternity was established by adoption and the father would not be eligible to adopt under the laws of this state.

Section 19. Effective December 1, 2005, paragraph (e) is added to subsection (1) of section 382.016, Florida Statutes, as amended by this act, to read:

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

(1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

(e) The Department of Revenue shall develop written educational materials for use and distribution by the Department of Children and Family Services, Department of Corrections, Department of Education, Department of Health, and Department of Juvenile Justice that describe how paternity is established and the benefits of establishing paternity. The Department of Children and Family Services, Department of Corrections, Department of Education, Department of Health, and Department of Juvenile Justice shall make the materials available to individuals to whom services are provided and are encouraged to provide additional education on how paternity is established and the benefits of establishing paternity.

Section 20. Section 382.357, Florida Statutes, is created to read:

382.357 Electronic filing of birth certificate information.—The Department of Health, Department of Revenue, Florida Hospital Association, Florida Association of Court Clerks, and one or more local registrars shall study the feasibility of electronically filing original and new or amended birth certificates, documentation of paternity determinations, and adoptions with the department. The Department of Health shall submit a report to the Governor, Cabinet, President of the Senate, and Speaker of the House of Representatives by July 1, 2006. The report shall include the estimated cost to develop and implement electronic filing, cost savings resulting from electronic filing, and potential funding sources for electronic filing.

Section 21. Effective July 1, 2007, paragraph (c) is added to subsection (5) of section 395.003, Florida Statutes, to read:

395.003 Licensure; issuance, renewal, denial, modification, suspension, and revocation.—

(5)

(c) A hospital that provides birthing services shall affirm in writing as part of the application for a new, provisional, or renewal license that the hospital shall comply with s. 382.013(2)(c), which includes assisting unmarried parents who request assistance in executing a voluntary acknowledgment of paternity. No fine or other sanction under s. 395.1065 may be imposed on a hospital for noncompliance with s. 382.013(2)(c).

Section 22. Effective January 1, 2006, paragraph (p) of subsection (3) of section 409.2557, Florida Statutes, is amended to read:

409.2557 State agency for administering child support enforcement program.—

(3) SPECIFIC RULEMAKING AUTHORITY.—The department has the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement all laws administered by the department in its capacity as the Title IV-D agency for this state including, but not limited to, the following:

(p) Administrative proceedings to establish paternity or establish paternity and child support, orders to appear for genetic testing, and administrative proceedings to establish child support obligations; and

Section 23. Effective October 1, 2005, paragraph (a) of subsection (2) of section 409.2558, Florida Statutes, is amended to read:

409.2558 Support distribution and disbursement.—

(2) UNDISTRIBUTABLE COLLECTIONS.—

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

Section 24. Effective January 1, 2006, section 409.256, Florida Statutes, is created to read:

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

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

(a) “Another state” or “other state” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

1. An Indian tribe.

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

(b) “Custodian” means a person, other than the mother or a putative father, who has physical custody of a child or with whom the child primarily resides. References in this section to the obligation of a custodian to submit to genetic testing mean that the custodian is obligated to submit the child for genetic testing, not that the custodian must submit to genetic testing.

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

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

(e) “Paternity and child support proceeding” means an administrative action commenced by the Department of Revenue to order genetic testing,

establish paternity, and establish an administrative support order pursuant to this section.

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

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

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

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

(j) “Respondent” means the person or persons served by the Department of Revenue with a notice of proceeding pursuant to subsection (4). The term includes the putative father and may include the mother or the custodian of the child.

(k) “This state” or “the state” means the State of Florida.

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

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

1. The child’s paternity has not been established.
2. No one is named as the father on the child’s birth certificate or the person named as the father is the putative father named in an affidavit or a written declaration as provided in subparagraph 5.
3. The child’s mother was unmarried when the child was conceived and born.
4. The Department of Revenue is providing services under Title IV-D.
5. The child’s mother or a putative father has stated in an affidavit, or in a written declaration as provided in s. 92.525(2) that the putative father is or may be the child’s biological father. The affidavit or written declaration must set forth the factual basis for the allegation of paternity as provided in s. 742.12(2).

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

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

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

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

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

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

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

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

be served separately. A copy of the affidavit or written declaration upon which the proceeding is based shall be provided to the respondent when notice is served. A notice or order to appear for genetic testing shall be served by certified mail, restricted delivery, return receipt requested, or in accordance with the requirements for service of process in a civil action. Service by certified mail is completed when the certified mail is received or refused by the addressee or by an authorized agent as designated by the addressee in writing. If a person other than the addressee signs the return receipt, the department shall attempt to reach the addressee by telephone to confirm whether the notice was received, and the department shall document any telephonic communications. If someone other than the addressee signs the return receipt, the addressee does not respond to the notice, and the department is unable to confirm that the addressee has received the notice, service is not completed and the department shall attempt to have the addressee served personally. For purposes of this section, an employee or an authorized agent of the department may serve the notice or order to appear for genetic testing and execute an affidavit of service. The department may serve an order to appear for genetic testing on a custodian. The department shall provide a copy of the notice or order to appear by regular mail to the mother and custodian, if they are not respondents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Following an informal review, within 15 days after the mailing date of the Department of Revenue's notification that the department shall proceed with an order to appear for genetic testing, the person ordered to

appear may file a request for an administrative hearing to contest whether the person should be required to submit to genetic testing. A request for an administrative hearing must state the specific reasons why the person ordered to appear believes he or she should not be required to submit to genetic testing as ordered. If the person ordered to appear files a timely request for a hearing, the department shall refer the hearing request to the Division of Administrative Hearings. Unless otherwise provided in this section, administrative hearings are governed by chapter 120 and the uniform rules of procedure. The administrative law judge assigned to the case shall issue an order as to whether the person must submit to genetic testing in accordance with the order to appear. The department or the person ordered to appear may seek immediate judicial review under s. 120.68 of an order issued by an administrative law judge pursuant to this paragraph.

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

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

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

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

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

#### (6) SCHEDULING OF GENETIC TESTING.—

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

(b) The department shall reschedule genetic testing:

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

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

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

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

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

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

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

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

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

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

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

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

(8) GENETIC-TESTING RESULTS.—The department shall send a copy of the genetic-testing results to the putative father, to the mother, to the custodian, and to the other state, if applicable. If the genetic-testing results, including second or subsequent genetic-testing results, do not indicate a

statistical probability of paternity that equals or exceeds 99 percent, the paternity proceeding in connection with that child shall cease.

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

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

1. Issue a proposed order of paternity as provided in paragraph (b); or
2. If appropriate, delay issuing a proposed order of paternity and commence, by regular mail, an administrative proceeding to establish a support order for the child pursuant to s. 409.2563 and issue a single proposed order that addresses paternity and child support.

(b) A proposed order of paternity must:

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

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

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

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

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

(b) Within 20 days after the mailing date of the proposed order or within 10 days after the mailing date of notice that an informal review has been concluded, whichever is later, the respondent may request an administrative hearing by filing a written request for a hearing with the Department of Revenue. A request for a hearing must state the specific objections to the proposed order, the specific objections to the genetic testing results, or both.

A respondent who fails to file a timely request for a hearing is deemed to have waived the right to a hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 25. Effective July 1, 2005, subsection (4) of section 409.2561, Florida Statutes, is amended to read:

409.2561 Support obligations when public assistance is paid; assignment of rights; subrogation; medical and health insurance information.—

(4) No obligation of support under this section shall be incurred by any person who is the recipient of supplemental security income or temporary cash assistance ~~public assistance moneys~~ for the benefit of a dependent child or who is incapacitated and financially unable to pay as determined by the department.

Section 26. Effective January 1, 2006, paragraphs (b) and (c) of subsection (2) of section 409.2563, Florida Statutes, are amended to read:

409.2563 Administrative establishment of child support obligations.—

(2) PURPOSE AND SCOPE.—

(b) The administrative procedure set forth in this section concerns only the establishment of child support obligations. This section does not grant jurisdiction to the department or the Division of Administrative Hearings to hear or determine issues of dissolution of marriage, separation, alimony or spousal support, termination of parental rights, dependency, disputed paternity, except for a determination of paternity as provided in s. 409.256, award of or change of custody, or visitation. This paragraph notwithstanding, the department and the Division of Administrative Hearings may make findings of fact that are necessary for a proper determination of a noncustodial parent's support obligation as authorized by this section.

(c) If there is no support order for a child in a Title IV-D case whose paternity has been established or is presumed by law, or whose paternity is the subject of a proceeding under s. 409.256, the department may establish the noncustodial parent's child support obligation pursuant to this section, s. 61.30, and other relevant provisions of state law. The noncustodial parent's obligation determined by the department may include any obligation to pay retroactive support and any obligation to provide for health care for a child, whether through insurance coverage, reimbursement of expenses, or both. The department may proceed on behalf of:

1. An applicant or recipient of public assistance, as provided by ss. 409.2561 and 409.2567;
2. A former recipient of public assistance, as provided by s. 409.2569;
3. An individual who has applied for services as provided by s. 409.2567;
4. Itself or the child, as provided by s. 409.2561; or
5. A state or local government of another state, as provided by chapter 88.

Section 27. Effective October 1, 2006, section 409.25635, Florida Statutes, is created to read:

409.25635 Determination and collection of noncovered medical expenses.—

(1) DEFINITION.—As used in this section, “noncovered medical expenses” means uninsured medical, dental, or prescription medication expenses that are ordered to be paid on behalf of a child as provided in s. 61.13(1)(b) or a similar law of another state.

(2) PROCEEDING TO DETERMINE AMOUNT OWED FOR NONCOVERED MEDICAL EXPENSES.—In a Title IV-D case, the Department of Revenue may proceed under this section to determine the amount owed by an obligor for noncovered medical expenses if:

(a) The obligor is subject to a support order that requires the obligor to pay all or part of a child's noncovered medical expenses.

(b) The obligee provides the department with a written declaration under penalty of perjury that states:

1. Noncovered medical expenses have been incurred on behalf of the dependent child whom the obligor has been ordered to support.

2. The obligee has paid for noncovered medical expenses that have been incurred on behalf of the child.

3. The obligor has not paid all or part of the child's noncovered medical expenses as ordered.

4. The amount paid by the obligee for noncovered medical expenses and the amount the obligor allegedly owes to the obligee.

(c) The obligee provides documentation in support of the written declaration.

(3) NOTICE OF PROCEEDING.—

(a) To proceed under this section, the Department of Revenue shall serve a notice on the obligor that states:

1. That the department has commenced a proceeding to determine the amount the obligor owes for noncovered medical expenses.

2. The name of the court or other tribunal that issued the support order that requires the obligor to pay noncovered medical expenses and the date of the order.

3. That the proceeding is based on the requirements of the support order, the obligee's written sworn statement, and the supporting documentation provided to the department by the obligee.

4. The amount of noncovered medical expenses that the obligee alleges the obligor owes.

5. If the support order was entered by a court of this state or a tribunal of another state, that the obligor may file a motion in the circuit court to contest the amount of noncovered medical expenses owed within 25 days after the date of mailing of the notice or, if the support order was entered by the department, that the obligor may file with the department a petition to contest within 25 days after the date of mailing of the notice.

6. If the support order was entered by a court of this state or a tribunal of another state, that the court shall determine the amount owed by the obligor and enter judgment as appropriate if the obligor timely files a motion in the circuit court to contest the amount of noncovered medical expenses owed or, if the support order was entered by the department, the department shall determine the amount owed by the obligor and render a final order as appropriate if the obligor timely files with the department a petition to contest the amount of noncovered medical expenses owed.

7. If the obligor does not timely file a motion or petition to contest the amount alleged to be owed, that the obligor shall owe the amount alleged in the notice.

8. If an amount owed is determined after a hearing or becomes final because the obligor does not file a timely motion or petition to contest, the department shall begin collection action.

(b) The notice shall be served on the obligor by regular mail that is sent to the obligor's address of record according to the clerk of the court or according to the Department of Revenue if the support order was entered by the department or to a more recent address if known. A copy of the obligee's written declaration and supporting documentation must be served on the obligor with the notice. The department shall provide the obligee with a copy of the notice and with any subsequent notice of hearing.

(4) RIGHT TO HEARING; DETERMINATION AFTER HEARING; WAIVER OF HEARING.—

(a) Within 25 days after the date the notice required by subsection (3) is mailed, if the support order was entered by a court of this state or a tribunal of another state, the obligor may file a motion in the circuit court to contest the amount of noncovered medical expenses owed. If a timely motion is filed, the court shall determine after a hearing whether the obligor owes the obligee the amount alleged for noncovered medical expenses and enter a judgment, as appropriate.

(b) Within 25 days after the date the notice required by subsection (3) is mailed, if the support order was entered by the Department of Revenue, the obligor may file with the department a petition to contest the amount of noncovered medical expenses owed. If a timely petition is filed, the department shall determine after a hearing pursuant to chapter 120 whether the obligor owes the obligee for the amount alleged for noncovered medical expenses and render a final order, as appropriate.

(c) If the obligor does not timely file a motion or petition to contest, the amount owed as alleged in the notice becomes final and is legally enforceable.

(5) EFFECT OF DETERMINATION BY THE DEPARTMENT OF REVENUE AND UNCONTESTED PROCEEDINGS.—The amount owed for noncovered medical expenses that is determined by the Department of Revenue as provided in paragraph (4)(b) or that becomes final as provided in paragraph (4)(c) has the same effect as a judgment entered by a court.

(6) FILING WITH THE DEPOSITORY; RECORDING; MAINTENANCE OF ACCOUNTS.—When an amount owed for noncovered medical expenses is determined, the department shall file a certified copy of the final order or uncontested notice with the depository. Upon receipt of a final order or uncontested notice, the depository shall record the final order or uncontested notice in the same manner as a final judgment. The depository shall maintain necessary accounts to reflect obligations and payments for noncovered medical expenses.

(7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.—Any administrative remedy available for collection of support may be used to collect

noncovered medical expenses that are determined or established under this section.

(8) SUPPLEMENTAL REMEDY.—This section provides a supplemental remedy for determining and enforcing noncovered medical expenses. As an alternative, the department or any other party may petition the circuit court for enforcement of noncovered medical expenses.

(9) RULEMAKING AUTHORITY.—The department may adopt rules to implement this section.

Section 28. Subsections (8) through (14) of section 409.2564, Florida Statutes, are renumbered as subsections (7) through (13), respectively, and present subsection (7) is amended to read:

409.2564 Actions for support.—

~~(7) In a judicial circuit with a work experience and job training pilot project, if the obligor is a noncustodial parent of a child receiving public assistance as defined in this chapter, is unemployed or underemployed or has no income, then the court shall order the obligor to seek employment, if the obligor is able to engage in employment, and to immediately notify the court upon obtaining employment, upon obtaining any income, or upon obtaining any ownership of any asset with a value of \$500 or more. If the obligor is still unemployed 30 days after any order for support, the court shall order the obligor to enroll in a work experience, job placement, and job training program.~~

Section 29. Effective January 1, 2006, subsection (4) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(4) Whenever the Department of Revenue has undertaken an action for enforcement of support, the Department of Revenue may enter into an agreement with the obligor for the entry of a judgment determining paternity, if applicable, and for periodic child support payments based on the child support guidelines in s. 61.30 ~~obligor's reasonable ability to pay~~. Prior to entering into this agreement, the obligor shall be informed that a judgment will be entered based on the agreement. The clerk of the court shall file the agreement without the payment of any fees or charges, and the court, upon entry of the judgment, shall forward a copy of the judgment to the parties to the action. To encourage out-of-court settlement and promote support order compliance, if the obligor and the Department of Revenue agree on entry of a support order and its terms, the guideline amount owed for retroactive support that is permanently assigned to the state shall be reduced by 25 percent. In making a determination of the obligor's reasonable ability to pay and until guidelines are established for determining child support award amounts, the following criteria shall be considered:

(a) ~~All earnings, income, and resources of the obligor.~~

(b) ~~The ability of the obligor to earn.~~

~~(e) The reasonable necessities of the obligor.~~

~~(d) The needs of the dependent child for whom support is sought.~~

Section 30. Effective October 1, 2005, section 409.25645, Florida Statutes, is amended to read:

409.25645 Administrative orders for genetic testing.—

(1) The Department of Revenue is authorized to use administrative orders to require genetic testing in Title IV-D cases. In such cases the department or an authorized agent may issue an administrative order to a putative father who has not voluntarily submitted to genetic testing, directing him to appear for a genetic test to determine the paternity of a child, provided that the department shall have no authority to issue such an order in the absence of an affidavit or written declaration as provided in s. 92.525(2) of the child's mother stating that the putative father is or may be a parent of the child. The administrative order shall state:

~~(a)(1)~~ The type of genetic test that will be used.

~~(b)(2)~~ The date, time, and place to appear for the genetic test, except as provided in subsection (3).

~~(c)(3)~~ That upon failure to appear for the genetic test, or refusal to be tested, the department shall file a petition in circuit court to establish paternity and child support.

(2) A copy of the affidavit or written declaration which is the basis for the issuance of the administrative order shall be attached to the order. The administrative order is exempt from the hearing provisions in chapter 120, because the person to whom it is directed shall have an opportunity to object in circuit court in the event the Department of Revenue pursues the matter by filing a petition in circuit court. The department may serve the administrative order to appear for a genetic test by regular mail. In any case in which more than one putative father has been identified, the department may proceed under this section with respect to all putative fathers. If the department receives a request from another state Title IV-D agency to assist in the establishment of paternity, the department may cause an administrative order to appear for a genetic test to be served on a putative father who resides in Florida.

(3) If the putative father is incarcerated, the correctional facility shall assist the putative father in complying with the administrative order, whether issued under this section or s. 409.256.

(4) An administrative order for genetic testing has the same force and effect as a court order.

Section 31. Effective upon this act becoming a law, section 409.2567, Florida Statutes, is amended to read:

409.2567 Services to individuals not otherwise eligible.—All support services provided by the department shall be made available on behalf of all

dependent children. Services shall be provided upon acceptance of public assistance or upon proper application filed with the department. The department shall adopt rules to provide for the payment of a \$25 application fee from each applicant who is not a public assistance recipient. The application fee shall be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund within the Department of Revenue to be used for the Child Support Enforcement Program. The obligor is responsible for all administrative costs, as defined in s. 409.2554. The court shall order payment of administrative costs without requiring the department to have a member of the bar testify or submit an affidavit as to the reasonableness of the costs. An attorney-client relationship exists only between the department and the legal services providers in Title IV-D cases. The attorney shall advise the obligee in Title IV-D cases that the attorney represents the agency and not the obligee. In Title IV-D cases, any costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. In any case where the court does not award all costs, the court shall state in the record its reasons for not awarding the costs. The Department of Revenue shall not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1). The department shall submit a monthly report to the Governor and the chairs of the Health and Human Services Fiscal Committee of the House of Representatives and the Ways and Means Committee of the Senate specifying the funds identified for collection from the noncustodial parents of children receiving temporary assistance and the amounts actually collected. The Department of Revenue shall seek a waiver from the Secretary of the United States Department of Health and Human Services to authorize the Department of Revenue to provide services in accordance with Title IV-D of the Social Security Act to individuals who are owed support without need of an application. If the waiver is granted, the department shall adopt rules to implement the waiver and begin providing Title IV-D services if support payments are not being paid as ordered, except that the individual first must be given written notice of the right to refuse Title IV-D services and a reasonable opportunity to refuse. The department may not provide services if services are refused.

Section 32. Effective October 1, 2005, section 409.2567, Florida Statutes, as amended by this act, is amended to read:

409.2567 Services to individuals not otherwise eligible.—All support services provided by the department shall be made available on behalf of all dependent children. Services shall be provided upon acceptance of public assistance or upon proper application filed with the department. The federally required application fee for individuals who do not receive public assistance is \$1, which shall be waived for all applicants and paid by the department ~~The department shall adopt rules to provide for the payment of a \$25 application fee from each applicant who is not a public assistance recipient. The application fee shall be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund within the Department of Revenue to be used for the Child Support Enforcement Program.~~ The obligor is responsible for all administrative costs, as defined in s. 409.2554. The

court shall order payment of administrative costs without requiring the department to have a member of the bar testify or submit an affidavit as to the reasonableness of the costs. An attorney-client relationship exists only between the department and the legal services providers in Title IV-D cases. The attorney shall advise the obligee in Title IV-D cases that the attorney represents the agency and not the obligee. In Title IV-D cases, any costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. In any case where the court does not award all costs, the court shall state in the record its reasons for not awarding the costs. The Department of Revenue shall not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1). The department shall submit a monthly report to the Governor and the chairs of the Health and Human Services Fiscal Committee of the House of Representatives and the Ways and Means Committee of the Senate specifying the funds identified for collection from the noncustodial parents of children receiving temporary assistance and the amounts actually collected. The Department of Revenue shall seek a waiver from the Secretary of the United States Department of Health and Human Services to authorize the Department of Revenue to provide services in accordance with Title IV-D of the Social Security Act to individuals who are owed support without need of an application. If the waiver is granted, the Department of Revenue shall adopt rules to implement the waiver and begin providing Title IV-D services if support payments are not being paid as ordered, except that the individual first must be given written notice of the right to refuse Title IV-D services and a reasonable opportunity to respond.

Section 33. Effective July 1, 2006, section 409.2598, Florida Statutes, is amended to read:

409.2598 License suspension proceeding to enforce support order ~~Suspension or denial of new or renewal licenses; registrations; certifications.~~—

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

(a) “License” means a license, permit, certificate, registration, franchise, or other form of written permission issued by a licensing agency to an individual which authorizes the individual to engage in an occupation, business, trade, or profession or to engage in a recreational activity, including hunting or fishing. Where the context permits, the term also includes an application for a new or renewal license.

(b) “Licensee” means an individual who has a license.

(c) “Licensing agency” means a department, commission, agency, district, county, municipality, or other subdivision of state or local government which issues licenses.

(2) NOTICE OF NONCOMPLIANCE AND INTENT TO SUSPEND LICENSE.—If a support order has not been complied with for at least 30 days, the Department of Revenue may commence a license suspension proceeding

to enforce compliance with the support order by providing written notice to the obligor that states:

(a) That the obligor is not in compliance with the support order and whether the noncompliance is due to the obligor's nonpayment of current support, delinquencies or arrears, or the failure to provide health care coverage or medical support.

(b) The kind of license that is subject to suspension.

(c) That the obligor may avoid license suspension by complying with the support order or entering into a written agreement with the department within 30 days after the mailing of the notice.

(d) If the obligor timely complies with the support order or a written agreement entered into with the department, the proceeding ends and the obligor's license is not suspended.

(e) That the obligor may contest license suspension by filing a petition in circuit court within 30 days after the mailing of the notice of noncompliance.

(f) If the obligor timely files a petition in circuit court, that the license suspension proceeding is stayed pending a ruling by the court.

The notice shall be served on the obligor by regular mail sent to the obligor's last address of record with the local depository or a more recent address if known, which may include the obligor's mailing address as reflected by the records of the licensing agency.

(3) HEARING; STAY OF PROCEEDING.—The obligor may contest license suspension by filing a petition in circuit court within 30 days after the mailing of the notice of noncompliance and serving a copy of the petition on the Department of Revenue. If the obligor timely files a petition in circuit court, the license suspension proceeding is stayed pending a ruling by the court. The obligor may contest on the basis of a mistake of fact concerning the obligor's compliance with the support order, the reasonableness of a payment agreement offered by the department, or the identity of the obligor. A timely petition to contest must be heard by the court within 15 days after the petition is filed. The court must enter an order ruling on the matter within 10 days after the hearing and a copy of the order must be served on the parties.

(4) COMPLIANCE; REINSTATEMENT.—

(a) If the obligor complies with the support order or a written agreement entered into with the department after a proceeding is commenced but before the obligor's license is suspended, the proceeding shall cease and the obligor's license may not be suspended. If the obligor subsequently does not comply with the support order, the department may commence a new proceeding or proceed as provided in paragraph (c) if the obligor enters into a written agreement and does not comply with the agreement.

(b) If the obligor complies with the support order or a written agreement entered into with the department after the obligor's license is suspended, the

department shall provide the obligor with a reinstatement notice and the licensing agency shall reinstate the obligor's license at no additional charge to the obligor.

(c) If the obligor enters into a written agreement with the department and does not comply with the agreement, the department shall notify the licensing agency to suspend the obligor's license unless the obligor notifies the department that the obligor can no longer comply with the written agreement. If the obligor notifies the department of the inability to comply with the written agreement, the obligor shall provide full disclosure to the department of the obligor's income, assets, and employment. If after full disclosure the written agreement cannot be renegotiated, the department or the obligor may file a petition in circuit court to determine the matter.

(d) A licensing agency shall promptly reinstate the obligor's license upon receipt of a court order for reinstatement.

(e) Notwithstanding any other statutory provision, a notice from the court or the department shall reinstate to the obligor all licenses established in chapters 370 and 372 that were valid at the time of suspension.

(5) NOTICE TO LICENSING AGENCY; SUSPENSION.—

(a) The Department of Revenue shall notify the licensing agency to suspend the obligor's license when:

1. Thirty or more days have elapsed after a proceeding has been commenced and the obligor has not complied with the support order or a written agreement entered into with the department or filed a timely petition to contest license suspension in circuit court;

2. The obligor enters into a written agreement with the department and does not comply with the agreement, unless the obligor notifies the department that the obligor can no longer comply with the agreement; or

3. The department is ordered to do so by the circuit court.

(b) Upon notice by the department or the circuit court, the licensing agency shall suspend the obligor's license and may only reinstate the license upon further notice by the department or the court.

(6) ENFORCEMENT OF SUBPOENAS.—A license may be suspended under this section to enforce compliance with a subpoena, order to appear, order to show cause, or similar order in a child support or paternity proceeding by using the same procedures as those used for enforcing compliance with a support order.

(7) MULTIPLE LICENSES.—The Department of Revenue may combine a proceeding under this section with a proceeding to suspend a driver's license under s. 61.13016. A proceeding to suspend a license under this section may apply to one or more of the obligor's licenses.

(8) RULEMAKING AUTHORITY.—The Department of Revenue may adopt rules to implement and enforce the requirements of this section.

~~(2) The Title IV-D agency may petition the court that entered the support order or the court that is enforcing the support order to deny or suspend the license of any obligor with a delinquent support obligation or who fails, after receiving appropriate notice, to comply with subpoenas, orders to appear, orders to show cause, or similar orders relating to paternity or support proceedings. However, a petition may not be filed until the Title IV-D agency has exhausted all other available remedies. The purpose of this section is to promote the public policy of the state as established in s. 409.2551.~~

~~(3) The Title IV-D agency shall give notice to any obligor who is an applicant for a new or renewal license or the holder of a current license when a delinquency exists in the support obligation or when an obligor has failed to comply with a subpoena, order to appear, order to show cause, or similar order relating to paternity or support proceeding. The notice shall specify that the obligor has 30 days from the date of mailing of the notice to pay the delinquency or to reach an agreement to pay the delinquency with the Title IV-D agency or comply with the subpoena, order to appear, order to show cause, or similar order. The notice shall specify that, if payment is not made or an agreement cannot be reached, or if the subpoena, order to appear, order to show cause, or similar order is not complied with, the application may be denied or the license may be suspended pursuant to a court order.~~

~~(4) If the obligor fails to pay the delinquency or enter into a repayment agreement with the department or comply with the subpoena, order to appear, order to show cause, or similar order within 30 days following completion of service of the notice, the Title IV-D agency shall send a second notice to the obligor stating that the obligor has 30 days to pay the delinquency or reach an agreement to pay the delinquency with the Title IV-D agency or comply with the subpoena, order to appear, order to show cause, or similar order. If the obligor fails to respond to either notice from the Title IV-D agency or if the obligor fails to pay the delinquency or reach an agreement to pay the delinquency or comply with the subpoena, order to appear, order to show cause, or similar order after the second notice, the Title IV-D agency may petition the court which entered the support order or the court which is enforcing the support order to deny the application for the license or to suspend the license of the obligor. However, no petition may be filed until the Title IV-D agency has exhausted all other available remedies. The court may find that it would be inappropriate to deny a license or suspend a license if:~~

~~(a) Denial or suspension would result in irreparable harm to the obligor or employees of the obligor or would not accomplish the objective of collecting the delinquency; or~~

~~(b) The obligor demonstrates that he or she has made a good faith effort to reach an agreement with the Title IV-D agency.~~

~~The court may not deny or suspend a license if the court determines that an alternative remedy is available to the Title IV-D agency which is likely to accomplish the objective of collecting the delinquency or obtaining compliance with the subpoena, order to appear, order to show cause, or similar order. If the obligor fails in the defense of a petition for denial or suspension,~~

~~the court which entered the support order or the court which is enforcing the support order shall enter an order to deny the application for the license or to suspend the license of the obligor. The court shall order the obligor to surrender the license to the Title IV-D agency, which will return the license and a copy of the order of suspension to the appropriate licensing agency.~~

~~(5) If the court denies or suspends a license and the obligor subsequently pays the delinquency or reaches an agreement with the Title IV-D agency to settle the delinquency and makes the first payment required by the agreement, or complies with the subpoena, order to appear, order to show cause, or similar order, the license shall be issued or reinstated upon written proof to the court that the obligor has complied with the terms of the court order, subpoena, order to appear, order to show cause, or similar order. Proof of payment shall consist of a certified copy of the payment record issued by the depository. The court shall order the appropriate licensing agency to issue or reinstate the license without additional charge to the obligor.~~

~~(6) The licensing agency shall, when directed by the court, suspend or deny the license of any licensee under its jurisdiction found to have a delinquent support obligation or not to be in compliance with a subpoena, order to appear, order to show cause, or similar order. The licensing agency shall issue or reinstate the license without additional charge to the licensee when notified by the court that the licensee has complied with the terms of the court order, or subpoena, order to appear, order to show cause, or similar order.~~

~~(7) Notice shall be served under this section by regular mail to the obligor at his or her last address of record with the local depository or a more recent address if known.~~

Section 34. Effective upon this act becoming a law, section 409.259, Florida Statutes, is amended to read:

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

(1) Notwithstanding s. 28.241, each clerk of the circuit court shall accept petitions, complaints, and motions filed by the department in Title IV-D cases without billing the department separately for each filing, as long as the clerk is being reimbursed in a different manner for expenses incurred in such filings under the cooperative agreement with the department pursuant to ss. 61.181(1) and 61.1826(2) and (4).

(2) Notwithstanding subsection (1), the department shall continue to be entitled to the other necessary services of the clerk of court in any proceedings under the IV-D program as authorized under s. 409.2571.

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

Section 35. Effective October 1, 2005, section 409.821, Florida Statutes, is amended to read:

409.821 Florida KidCare program public records exemption.—Notwithstanding any other law to the contrary, any information identifying a Florida KidCare program applicant or enrollee, as defined in s. 409.811, held by the Agency for Health Care Administration, the Department of Children and Family Services, the Department of Health, or the Florida Healthy Kids Corporation is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may be disclosed to another governmental entity only if disclosure is necessary for the entity to perform its duties and responsibilities under the Florida KidCare program and shall be disclosed to the Department of Revenue for purposes of administering the state Title IV-D program. The receiving governmental entity must maintain the confidential and exempt status of such information. Furthermore, such information may not be released to any person without the written consent of the program applicant. This exemption applies to any information identifying a Florida KidCare program applicant or enrollee held by the Agency for Health Care Administration, the Department of Children and Family Services, the Department of Health, or the Florida Healthy Kids Corporation before, on, or after the effective date of this exemption. A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 36. Effective October 1, 2005, paragraph (a) of subsection (5) of section 414.065, Florida Statutes, is amended to read:

414.065 Noncompliance with work requirements.—

(5) WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL PARENTS.—

(a) The court may order a noncustodial parent who is delinquent in support payments, pursuant to the terms of a support order as defined in s. 61.046, to participate in work activities under this chapter, or as provided in s. 61.14(5)(b), so that the parent may obtain employment and fulfill the obligation to provide support payments. A noncustodial parent who fails to satisfactorily engage in court-ordered work activities may be held in contempt.

Section 37. Effective July 1, 2006, subsections (1) and (3) of section 443.051, Florida Statutes, are amended to read:

443.051 Benefits not alienable; exception, child support intercept.—

(1) DEFINITIONS.—As used in this section:

(a) “Unemployment compensation” means any compensation payable under state law, including amounts payable pursuant to an agreement under any federal law providing for compensation, assistance, or allowances for unemployment.

(b) “Support obligations” includes only those obligations that are being enforced under a plan described in s. 454 of the Social Security Act which

has been approved by the Secretary of Health and Human Services under Part D of Title IV of the Social Security Act. Support obligations include any legally required payments to reduce delinquencies, arrearages, or retroactive support.

(c) “Support order” means a judgment, decree, or order, whether temporary or final, issued by a court of competent jurisdiction or administrative agency for the support and maintenance of a child that provides for monetary support, health care, arrearages, or past support. When the child support obligation is being enforced by the Department of Revenue, the term “support order” also means a judgment, decree, or order, whether temporary or final, issued by a court of competent jurisdiction for the support and maintenance of a child and the spouse or former spouse of the obligor with whom the child is living that provides for monetary support, health care, arrearages, or past support.

(3) EXCEPTION, SUPPORT INTERCEPT.—

~~(a) Each individual filing a new claim for unemployment compensation must disclose at the time of filing the claim whether she or he owes support obligations that are being enforced by the Department of Revenue. If an applicant discloses that she or he owes support obligations and she or he is determined to be eligible for unemployment compensation benefits, the Agency for Workforce Innovation shall notify the Department of Revenue if the department is enforcing the support obligation. The Department of Revenue shall, at least biweekly, provide the Agency for Workforce Innovation with a magnetic tape or other electronic data file disclosing the individuals who owe support obligations and the amount of any legally required deductions.~~

(b) For support obligations established on or after July 1, 2006, and for support obligations established before July 1, 2006, when the support order does not address the withholding of unemployment compensation, the Agency for Workforce Innovation shall deduct and withhold 40 percent of the unemployment compensation otherwise payable to an individual disclosed under paragraph (a). If delinquencies, arrearages, or retroactive support are owed and repayment has not been ordered, the unpaid amounts are included in the support obligation and are subject to withholding. If the amount deducted exceeds the support obligation, the Department of Revenue shall promptly refund the amount of the excess deduction to the obligor. For support obligations in effect before July 1, 2006, if the support order addresses the withholding of unemployment compensation, the Agency for Workforce Innovation shall deduct and withhold the amount ordered by the court or administrative agency that issued the support order as disclosed by the Department of Revenue. ~~The Agency for Workforce Innovation shall deduct and withhold from any unemployment compensation otherwise payable to an individual disclosed under paragraph (a) who owes support obligations:~~

1.—The amount determined under an agreement submitted to the Agency for Workforce Innovation under s. 454(19)(B)(i) of the Social Security Act by the Department of Revenue;

2. ~~The amount required to be deducted and withheld from unemployment compensation through legal process as defined in s. 459 of the Social Security Act; or~~

3. ~~The amount otherwise specified by the individual to the Agency for Workforce Innovation to be deducted and withheld under this section.~~

(c) The Agency for Workforce Innovation shall pay any amount deducted and withheld under paragraph (b) to the Department of Revenue.

(d) Any amount deducted and withheld under this subsection shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the Department of Revenue for support obligations.

(e) The Department of Revenue shall reimburse the Agency for Workforce Innovation for the administrative costs incurred by the agency under this subsection which are attributable to support obligations being enforced by the department.

Section 38. Effective July 1, 2006, subsection (9) of section 455.203, Florida Statutes, is amended to read:

455.203 Department; powers and duties.—The department, for the boards under its jurisdiction, shall:

(9) Work cooperatively with the Department of Revenue to implement an automated method for periodically disclosing information relating to current licensees to the Department of Revenue. Allow applicants for new or renewal licenses and current licensees to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with a support obligation. ~~The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court or the Department of Revenue pursuant to s. 409.2598, suspend or deny the license of any licensee found not to be in compliance with a support order, subpoena, order to show cause, or written agreement entered into by the licensee with the Department of Revenue to have a delinquent support obligation, as defined in s. 409.2554. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court or the Department of Revenue that the licensee has complied with the terms of the support court order. The department shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.~~

Section 39. Effective January 1, 2006, subsection (1) of section 742.10, Florida Statutes, is amended to read:

742.10 Establishment of paternity for children born out of wedlock.—

(1) This chapter provides the primary jurisdiction and procedures for the determination of paternity for children born out of wedlock. When the establishment of paternity has been raised and determined within an adjudicatory hearing brought under the statutes governing inheritance, or dependency under workers' compensation or similar compensation programs, or

when an affidavit acknowledging paternity or a stipulation of paternity is executed by both parties and filed with the clerk of the court, or when an affidavit, a notarized voluntary acknowledgment of paternity, or a voluntary acknowledgment of paternity that is witnessed by two individuals and signed under penalty of perjury as provided for in s. 382.013 or s. 382.016 is executed by both parties, or when paternity is adjudicated by the Department of Revenue as provided in s. 409.256, such adjudication, affidavit, or acknowledgment constitutes it shall constitute the establishment of paternity for purposes of this chapter. If no adjudicatory proceeding was held, a notarized voluntary acknowledgment of paternity or voluntary acknowledgment of paternity that is witnessed by two individuals and signed under penalty of perjury as specified by s. 92.525(2) shall create a rebuttable presumption, as defined by s. 90.304, of paternity and is subject to the right of any signatory to rescind the acknowledgment within 60 days after the date the acknowledgment was signed or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party, whichever is earlier. Both parents must provide their social security numbers on any acknowledgment of paternity, consent affidavit, or stipulation of paternity. Except for affidavits under seal pursuant to ss. 382.015 and 382.016, the Office of Vital Statistics shall provide certified copies of affidavits to the Title IV-D agency upon request.

Section 40. Effective January 1, 2006, paragraph (a) of subsection (2) of section 760.40, Florida Statutes, is amended to read:

760.40 Genetic testing; informed consent; confidentiality; penalties; notice of use of results.—

(2)(a) Except for purposes of criminal prosecution, except for purposes of determining paternity as provided in s. 409.256 or s. 742.12(1), and except for purposes of acquiring specimens from persons convicted of certain offenses or as otherwise provided in s. 943.325, DNA analysis may be performed only with the informed consent of the person to be tested, and the results of such DNA analysis, whether held by a public or private entity, are the exclusive property of the person tested, are confidential, and may not be disclosed without the consent of the person tested. Such information held by a public entity is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 41. Effective October 1, 2005, subsections (1), (2), and (6) of section 827.06, Florida Statutes, are amended to read:

827.06 Nonsupport of dependents.—

(1) The Legislature finds that most noncustodial parents want to support their children and remain connected to their families. The Legislature also finds that while many noncustodial parents lack the financial resources and other skills necessary to provide that support, some a small percentage of ~~such~~ parents willfully fail to provide support to their children even when they are aware of the obligation and have the ability to do so pursuant to ~~s. 61.30~~. The Legislature further finds that existing statutory provisions for civil enforcement of support have not proven sufficiently effective or efficient

in gaining adequate support for all children. Recognizing that it is the public policy of this state that children shall be maintained primarily from the resources of their parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through public assistance programs, it is the intent of the Legislature that the criminal penalties provided for in this section are to be pursued in all appropriate cases where ~~exhaustion of appropriate~~ civil enforcement has not resulted in payment.

(2) ~~Any person who, after notice as specified in subsection (6), and who has been previously adjudged in contempt for failure to comply with a support order, willfully fails to provide support which he or she has the ability to provide to a child or a spouse whom the person knows he or she is legally obligated to support commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In lieu of any punishment imposed pursuant to s. 775.082 or s. 775.083, any person who is convicted of a violation of this subsection shall be punished:~~

~~(a) By a fine to be paid after restitution for:~~

- ~~1. Not less than \$250 nor more than \$500 for a first conviction.~~
- ~~2. Not less than \$500 nor more than \$750 for a second conviction.~~
- ~~3. Not less than \$750 nor more than \$1,000 for a third conviction; and~~

~~(b) By imprisonment for:~~

- ~~1. Not less than 15 days nor more than 1 month for a first conviction.~~
- ~~2. Not less than 1 month nor more than 3 months for a second conviction.~~
- ~~3. Not less than 3 months nor more than 6 months for a third conviction.~~

(6) It is the intent of the Legislature for the state attorneys, the Florida Prosecuting Attorneys Association, and the Department of Revenue to work collaboratively to identify strategies that allow the criminal penalties provided for in this section to be pursued in all appropriate cases, including, but not limited to, strategies that would assist the state attorneys in obtaining additional resources from available federal Title IV-D funds to initiate prosecution pursuant to this section. The Florida Prosecuting Attorneys Association and the Department of Revenue shall submit a joint report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2005, that includes identified strategies and recommendations for implementing such strategies. Prior to commencing prosecution under this section, the state attorney must notify the person responsible for support by certified mail, return receipt requested, or by using any other means permitted for service of process in a civil action, that a prosecution under this section will be commenced against him or her unless the person pays the total unpaid support obligation or provides a satisfactory explanation as to why he or she has not made such payments.

Section 42. Except as otherwise proved herein, this act shall take effect July 1, 2005.

Approved by the Governor May 20, 2005.

Filed in Office Secretary of State May 20, 2005.