

CHAPTER 2005-39

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 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 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 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.