



Health & Family Services Policy Council

**Tuesday, April 6, 2010
9:00 AM - 11:00 AM
Webster Hall (212 Knott)**

ACTION PACKET

**Larry Cretul
Speaker**

**Ed Homan
Chair**

COUNCIL MEETING REPORT
Health & Family Services Policy Council
4/6/2010 9:00:00AM

Location: Webster Hall (212 Knott)

Summary:

Health & Family Services Policy Council

Tuesday April 06, 2010 09:00 am

CS/HB 91	Favorable	Yeas: 15	Nays: 0
CS/HB 911	Favorable With Council Substitute	Yeas: 15	Nays: 0
HB 923	Favorable	Yeas: 16	Nays: 0
CS/CS/HB 1143	Favorable With Council Substitute	Yeas: 14	Nays: 1
HB 1293	Favorable	Yeas: 16	Nays: 0
HB 7083	Favorable With Council Substitute	Yeas: 15	Nays: 0

Committee meeting was reported out: Tuesday, April 06, 2010 1:57:07PM

COUNCIL MEETING REPORT
Health & Family Services Policy Council

4/6/2010 9:00:00AM

Location: Webster Hall (212 Knott)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ed Homan (Chair)	X		
Thomas Anderson	X		
Gwyndolen Clarke-Reed	X		
Keith Fitzgerald	X		
Denise Grimsley	X		
D. Alan Hays	X		
Matt Hudson	X		
Kurt Kelly	X		
Paige Kreegel	X		
Ari Porth	X		
Michelle Rehwinkel Vasilinda	X		
Ronald Renuart	X		
Elaine Schwartz	X		
Kelly Skidmore	X		
Nicholas Thompson	X		
Juan Zapata	X		
Totals:	16	0	0

Committee meeting was reported out: Tuesday, April 06, 2010 1:57:07PM

COUNCIL MEETING REPORT
Health & Family Services Policy Council

4/6/2010 9:00:00AM

Location: Webster Hall (212 Knott)

CS/HB 91 : Adult Protective Services

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Gwyndolen Clarke-Reed	X				
Keith Fitzgerald	X				
Denise Grimsley	X				
D. Alan Hays	X				
Matt Hudson	X				
Kurt Kelly	X				
Paige Kreegel	X				
Ari Porth	X				
Michelle Rehwinkel Vasilinda	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Juan Zapata				X	
Ed Homan (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

Robert Anderson, Director (State Employee) - Information Only
 Adult Protective Services Program, Department of Children & Families
 1317 Winewood Blvd.
 Tallahassee Florida 32399-0700
 Phone: (850) 414-7863

Waive In Support
 Lillian Sheldon Reece - Proponent
 6503 N Military Trail #4009
 Boca Raton Florida 33496
 Phone: (954) 854-3412

Waive In Support
 Vesta Wilhoite - Proponent
 P.O. Box 8356
 Fort Lauderdale Florida 33310
 Phone: (954) 805-6632

Waive In Support
 Ethel Alvarado - Proponent
 4961 N.W. 16 Street
 Lauderhill Florida 33313
 Phone: (954) 448-4643

Committee meeting was reported out: Tuesday, April 06, 2010 1:57:07PM

COUNCIL MEETING REPORT
Health & Family Services Policy Council

4/6/2010 9:00:00AM

Location: Webster Hall (212 Knott)

CS/HB 911 : Electronic Health Information

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Gwyndolen Clarke-Reed	X				
Keith Fitzgerald	X				
Denise Grimsley	X				
D. Alan Hays	X				
Matt Hudson	X				
Kurt Kelly	X				
Paige Kreegel	X				
Ari Porth	X				
Michelle Rehwinkel Vasilinda	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Juan Zapata				X	
Ed Homan (Chair)	X				
Total Yeas: 15					
Total Nays: 0					

Committee meeting was reported out: Tuesday, April 06, 2010 1:57:07PM

COUNCIL MEETING REPORT
Health & Family Services Policy Council

4/6/2010 9:00:00AM

Location: Webster Hall (212 Knott)

HB 923 : Homelessness

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Gwyndolen Clarke-Reed	X				
Keith Fitzgerald	X				
Denise Grimsley	X				
D. Alan Hays	X				
Matt Hudson	X				
Kurt Kelly	X				
Paige Kreegel	X				
Ari Porth	X				
Michelle Rehwinkel Vasilinda	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Juan Zapata	X				
Ed Homan (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

Waive In Support

Fely Curva (Lobbyist) - Proponent
 Florida Coalition for the Homeless
 1212 Piedmont Drive
 Tallahassee Florida 32312
 Phone: (850) 508-2256

Waive In Support

Pauline Clarke-Trotman - Proponent
 Miami-Dade County Homeless
 675 NW 17th St.
 Miami Florida 33136
 Phone: (305) 205-9594

Rita Clark, Policy Director - Proponent

Miami Coalition for the Homeless
 3550 Biscayne Blvd.
 Miami Florida 33317
 Phone: (305) 571-8101

Waive In Support

Dave Moore - Proponent
 2824 Louise St.
 Sarasota Florida 34237

Committee meeting was reported out: Tuesday, April 06, 2010 1:57:07PM

COUNCIL MEETING REPORT
Health & Family Services Policy Council
4/6/2010 9:00:00AM

Location: Webster Hall (212 Knott)

CS/CS/HB 1143 : Reduction and Simplification of Health Care Provider Regulation

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Gwyndolen Clarke-Reed	X				
Keith Fitzgerald	X				
Denise Grimsley	X				
D. Alan Hays	X				
Matt Hudson	X				
Kurt Kelly				X	
Paige Kreegel	X				
Ari Porth	X				
Michelle Rehwinkel Vasilinda		X			
Ronald Renuart	X				
Elaine Schwartz	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Juan Zapata	X				
Ed Homan (Chair)	X				
Total Yeas: 14		Total Nays: 1			

Appearances:

Molly McKinstry, Bureau Chief (State Employee) - Information Only
 Long Term Care Unit, Agency for Health Care Administration
 2727 Mahan Drive
 Tallahassee Florida 32308
 Phone: (850) 412-3612

Committee meeting was reported out: Tuesday, April 06, 2010 1:57:07PM

COUNCIL MEETING REPORT
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4/6/2010 9:00:00AM

Location: Webster Hall (212 Knott)

HB 1293 : Public Assistance

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Gwyndolen Clarke-Reed	X				
Keith Fitzgerald	X				
Denise Grimsley	X				
D. Alan Hays	X				
Matt Hudson	X				
Kurt Kelly	X				
Paige Kreegel	X				
Ari Porth	X				
Michelle Rehwinkel Vasilinda	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Juan Zapata	X				
Ed Homan (Chair)	X				
Total Yeas: 16		Total Nays: 0			

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COUNCIL MEETING REPORT
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4/6/2010 9:00:00AM

Location: Webster Hall (212 Knott)

HB 7083 : Child Support Enforcement

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Gwyndolen Clarke-Reed	X				
Keith Fitzgerald	X				
Denise Grimsley	X				
D. Alan Hays	X				
Matt Hudson	X				
Kurt Kelly				X	
Paige Kreegel	X				
Ari Porth	X				
Michelle Rehwinkel Vasilinda	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Juan Zapata	X				
Ed Homan (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

Thomas J. Mato, Deputy Director (State Employee) - Information Only
 Child Support Enforcement, Department of Revenue
 4070 Esplanade Way
 Tallahassee Florida 32314
 Phone: (850) 922-9590

Committee meeting was reported out: Tuesday, April 06, 2010 1:57:07PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ✓___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health & Family Services Policy
2 Council
3 Representative(s) Hudson offered the following:

Amendment (with title amendment)

Between lines 1546 and 1547, insert:

7 (n) Entities that are owned or controlled, directly or
8 indirectly, by a publicly traded entity with \$100 million or
9 more, in the aggregate, total annual revenues derived from
10 providing health care services by licensed health care
11 practitioners that are employed or contracted by an entity
12 described in this paragraph.

T I T L E A M E N D M E N T

17 Remove lines 117-120 and insert:
18 that pt. X of ch. 400, F.S., the Health Care Clinic Act, does
19 not apply to an entity owned by a corporation with a specified

COUNCIL/COMMITTEE AMENDMENT
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Amendment No. 1

20 amount of annual sales of health care services under certain
21 circumstances; providing that pt. X of ch. 400, F.S., the Health
22 Care Clinic Act, does not apply to an entity owned or controlled
23 by a publicly traded entity with a specified amount of annual
24 revenues; amending s. 400.991, F.S.;

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

1 Council/Committee hearing bill: Health & Family Services Policy
2 Council

3 Representative(s) Hudson offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 2001 and 2002, insert:

7 Section 62. Paragraph (a) of subsection (39) of section
8 409.912, Florida Statutes, is amended to read:

9 409.912 Cost-effective purchasing of health care.—The
10 agency shall purchase goods and services for Medicaid recipients
11 in the most cost-effective manner consistent with the delivery
12 of quality medical care. To ensure that medical services are
13 effectively utilized, the agency may, in any case, require a
14 confirmation or second physician's opinion of the correct
15 diagnosis for purposes of authorizing future services under the
16 Medicaid program. This section does not restrict access to
17 emergency services or poststabilization care services as defined
18 in 42 C.F.R. part 438.114. Such confirmation or second opinion
19 shall be rendered in a manner approved by the agency. The agency

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20 shall maximize the use of prepaid per capita and prepaid
21 aggregate fixed-sum basis services when appropriate and other
22 alternative service delivery and reimbursement methodologies,
23 including competitive bidding pursuant to s. 287.057, designed
24 to facilitate the cost-effective purchase of a case-managed
25 continuum of care. The agency shall also require providers to
26 minimize the exposure of recipients to the need for acute
27 inpatient, custodial, and other institutional care and the
28 inappropriate or unnecessary use of high-cost services. The
29 agency shall contract with a vendor to monitor and evaluate the
30 clinical practice patterns of providers in order to identify
31 trends that are outside the normal practice patterns of a
32 provider's professional peers or the national guidelines of a
33 provider's professional association. The vendor must be able to
34 provide information and counseling to a provider whose practice
35 patterns are outside the norms, in consultation with the agency,
36 to improve patient care and reduce inappropriate utilization.
37 The agency may mandate prior authorization, drug therapy
38 management, or disease management participation for certain
39 populations of Medicaid beneficiaries, certain drug classes, or
40 particular drugs to prevent fraud, abuse, overuse, and possible
41 dangerous drug interactions. The Pharmaceutical and Therapeutics
42 Committee shall make recommendations to the agency on drugs for
43 which prior authorization is required. The agency shall inform
44 the Pharmaceutical and Therapeutics Committee of its decisions
45 regarding drugs subject to prior authorization. The agency is
46 authorized to limit the entities it contracts with or enrolls as
47 Medicaid providers by developing a provider network through

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48 provider credentialing. The agency may competitively bid single-
49 source-provider contracts if procurement of goods or services
50 results in demonstrated cost savings to the state without
51 limiting access to care. The agency may limit its network based
52 on the assessment of beneficiary access to care, provider
53 availability, provider quality standards, time and distance
54 standards for access to care, the cultural competence of the
55 provider network, demographic characteristics of Medicaid
56 beneficiaries, practice and provider-to-beneficiary standards,
57 appointment wait times, beneficiary use of services, provider
58 turnover, provider profiling, provider licensure history,
59 previous program integrity investigations and findings, peer
60 review, provider Medicaid policy and billing compliance records,
61 clinical and medical record audits, and other factors. Providers
62 shall not be entitled to enrollment in the Medicaid provider
63 network. The agency shall determine instances in which allowing
64 Medicaid beneficiaries to purchase durable medical equipment and
65 other goods is less expensive to the Medicaid program than long-
66 term rental of the equipment or goods. The agency may establish
67 rules to facilitate purchases in lieu of long-term rentals in
68 order to protect against fraud and abuse in the Medicaid program
69 as defined in s. 409.913. The agency may seek federal waivers
70 necessary to administer these policies.

71 (39) (a) The agency shall implement a Medicaid prescribed-
72 drug spending-control program that includes the following
73 components:

74 1. A Medicaid preferred drug list, which shall be a
75 listing of cost-effective therapeutic options recommended by the

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76 Medicaid Pharmacy and Therapeutics Committee established
77 pursuant to s. 409.91195 and adopted by the agency for each
78 therapeutic class on the preferred drug list. At the discretion
79 of the committee, and when feasible, the preferred drug list
80 should include at least two products in a therapeutic class. The
81 agency may post the preferred drug list and updates to the
82 preferred drug list on an Internet website without following the
83 rulemaking procedures of chapter 120. Antiretroviral agents are
84 excluded from the preferred drug list. The agency shall also
85 limit the amount of a prescribed drug dispensed to no more than
86 a 34-day supply unless the drug products' smallest marketed
87 package is greater than a 34-day supply, or the drug is
88 determined by the agency to be a maintenance drug in which case
89 a 100-day maximum supply may be authorized. The agency is
90 authorized to seek any federal waivers necessary to implement
91 these cost-control programs and to continue participation in the
92 federal Medicaid rebate program, or alternatively to negotiate
93 state-only manufacturer rebates. The agency may adopt rules to
94 implement this subparagraph. The agency shall continue to
95 provide unlimited contraceptive drugs and items. The agency must
96 establish procedures to ensure that:

- 97 a. There is a response to a request for prior consultation
98 by telephone or other telecommunication device within 24 hours
99 after receipt of a request for prior consultation; and
100 b. A 72-hour supply of the drug prescribed is provided in
101 an emergency or when the agency does not provide a response
102 within 24 hours as required by sub-subparagraph a.

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103 2. Reimbursement to pharmacies for Medicaid prescribed
104 drugs shall be set at the lesser of: the average wholesale price
105 (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC)
106 plus 4.75 percent, the federal upper limit (FUL), the state
107 maximum allowable cost (SMAC), or the usual and customary (UAC)
108 charge billed by the provider.

109 3. For prescribed drugs billed as a 340B prescribed
110 medication, the claim must meet the requirements of the Deficit
111 Reduction Act of 2005 and the federal 340B program, contain a
112 national drug code, and be billed at the actual acquisition cost
113 or payment will be denied.

114 ~~4.3.~~ The agency shall develop and implement a process for
115 managing the drug therapies of Medicaid recipients who are using
116 significant numbers of prescribed drugs each month. The
117 management process may include, but is not limited to,
118 comprehensive, physician-directed medical-record reviews, claims
119 analyses, and case evaluations to determine the medical
120 necessity and appropriateness of a patient's treatment plan and
121 drug therapies. The agency may contract with a private
122 organization to provide drug-program-management services. The
123 Medicaid drug benefit management program shall include
124 initiatives to manage drug therapies for HIV/AIDS patients,
125 patients using 20 or more unique prescriptions in a 180-day
126 period, and the top 1,000 patients in annual spending. The
127 agency shall enroll any Medicaid recipient in the drug benefit
128 management program if he or she meets the specifications of this
129 provision and is not enrolled in a Medicaid health maintenance
130 organization.

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131 ~~5.4.~~ The agency may limit the size of its pharmacy network
132 based on need, competitive bidding, price negotiations,
133 credentialing, or similar criteria. The agency shall give
134 special consideration to rural areas in determining the size and
135 location of pharmacies included in the Medicaid pharmacy
136 network. A pharmacy credentialing process may include criteria
137 such as a pharmacy's full-service status, location, size,
138 patient educational programs, patient consultation, disease
139 management services, and other characteristics. The agency may
140 impose a moratorium on Medicaid pharmacy enrollment when it is
141 determined that it has a sufficient number of Medicaid-
142 participating providers. The agency must allow dispensing
143 practitioners to participate as a part of the Medicaid pharmacy
144 network regardless of the practitioner's proximity to any other
145 entity that is dispensing prescription drugs under the Medicaid
146 program. A dispensing practitioner must meet all credentialing
147 requirements applicable to his or her practice, as determined by
148 the agency.

149 ~~6.5.~~ The agency shall develop and implement a program that
150 requires Medicaid practitioners who prescribe drugs to use a
151 counterfeit-proof prescription pad for Medicaid prescriptions.
152 The agency shall require the use of standardized counterfeit-
153 proof prescription pads by Medicaid-participating prescribers or
154 prescribers who write prescriptions for Medicaid recipients. The
155 agency may implement the program in targeted geographic areas or
156 statewide.

157 ~~7.6.~~ The agency may enter into arrangements that require
158 manufacturers of generic drugs prescribed to Medicaid recipients

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159 to provide rebates of at least 15.1 percent of the average
160 manufacturer price for the manufacturer's generic products.
161 These arrangements shall require that if a generic-drug
162 manufacturer pays federal rebates for Medicaid-reimbursed drugs
163 at a level below 15.1 percent, the manufacturer must provide a
164 supplemental rebate to the state in an amount necessary to
165 achieve a 15.1-percent rebate level.

166 8.7. The agency may establish a preferred drug list as
167 described in this subsection, and, pursuant to the establishment
168 of such preferred drug list, it is authorized to negotiate
169 supplemental rebates from manufacturers that are in addition to
170 those required by Title XIX of the Social Security Act and at no
171 less than 14 percent of the average manufacturer price as
172 defined in 42 U.S.C. s. 1936 on the last day of a quarter unless
173 the federal or supplemental rebate, or both, equals or exceeds
174 29 percent. There is no upper limit on the supplemental rebates
175 the agency may negotiate. The agency may determine that specific
176 products, brand-name or generic, are competitive at lower rebate
177 percentages. Agreement to pay the minimum supplemental rebate
178 percentage will guarantee a manufacturer that the Medicaid
179 Pharmaceutical and Therapeutics Committee will consider a
180 product for inclusion on the preferred drug list. However, a
181 pharmaceutical manufacturer is not guaranteed placement on the
182 preferred drug list by simply paying the minimum supplemental
183 rebate. Agency decisions will be made on the clinical efficacy
184 of a drug and recommendations of the Medicaid Pharmaceutical and
185 Therapeutics Committee, as well as the price of competing
186 products minus federal and state rebates. The agency is

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187 authorized to contract with an outside agency or contractor to
188 conduct negotiations for supplemental rebates. For the purposes
189 of this section, the term "supplemental rebates" means cash
190 rebates. Effective July 1, 2004, value-added programs as a
191 substitution for supplemental rebates are prohibited. The agency
192 is authorized to seek any federal waivers to implement this
193 initiative.

194 ~~9.8.~~ The Agency for Health Care Administration shall
195 expand home delivery of pharmacy products. To assist Medicaid
196 patients in securing their prescriptions and reduce program
197 costs, the agency shall expand its current mail-order-pharmacy
198 diabetes-supply program to include all generic and brand-name
199 drugs used by Medicaid patients with diabetes. Medicaid
200 recipients in the current program may obtain nondiabetes drugs
201 on a voluntary basis. This initiative is limited to the
202 geographic area covered by the current contract. The agency may
203 seek and implement any federal waivers necessary to implement
204 this subparagraph.

205 ~~10.9.~~ The agency shall limit to one dose per month any
206 drug prescribed to treat erectile dysfunction.

207 ~~11.10.~~a. The agency may implement a Medicaid behavioral
208 drug management system. The agency may contract with a vendor
209 that has experience in operating behavioral drug management
210 systems to implement this program. The agency is authorized to
211 seek federal waivers to implement this program.

212 b. The agency, in conjunction with the Department of
213 Children and Family Services, may implement the Medicaid
214 behavioral drug management system that is designed to improve

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215 the quality of care and behavioral health prescribing practices
216 based on best practice guidelines, improve patient adherence to
217 medication plans, reduce clinical risk, and lower prescribed
218 drug costs and the rate of inappropriate spending on Medicaid
219 behavioral drugs. The program may include the following
220 elements:

221 (I) Provide for the development and adoption of best
222 practice guidelines for behavioral health-related drugs such as
223 antipsychotics, antidepressants, and medications for treating
224 bipolar disorders and other behavioral conditions; translate
225 them into practice; review behavioral health prescribers and
226 compare their prescribing patterns to a number of indicators
227 that are based on national standards; and determine deviations
228 from best practice guidelines.

229 (II) Implement processes for providing feedback to and
230 educating prescribers using best practice educational materials
231 and peer-to-peer consultation.

232 (III) Assess Medicaid beneficiaries who are outliers in
233 their use of behavioral health drugs with regard to the numbers
234 and types of drugs taken, drug dosages, combination drug
235 therapies, and other indicators of improper use of behavioral
236 health drugs.

237 (IV) Alert prescribers to patients who fail to refill
238 prescriptions in a timely fashion, are prescribed multiple same-
239 class behavioral health drugs, and may have other potential
240 medication problems.

241 (V) Track spending trends for behavioral health drugs and
242 deviation from best practice guidelines.

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243 (VI) Use educational and technological approaches to
244 promote best practices, educate consumers, and train prescribers
245 in the use of practice guidelines.

246 (VII) Disseminate electronic and published materials.

247 (VIII) Hold statewide and regional conferences.

248 (IX) Implement a disease management program with a model
249 quality-based medication component for severely mentally ill
250 individuals and emotionally disturbed children who are high
251 users of care.

252 ~~12.11~~.a. The agency shall implement a Medicaid
253 prescription drug management system. The agency may contract
254 with a vendor that has experience in operating prescription drug
255 management systems in order to implement this system. Any
256 management system that is implemented in accordance with this
257 subparagraph must rely on cooperation between physicians and
258 pharmacists to determine appropriate practice patterns and
259 clinical guidelines to improve the prescribing, dispensing, and
260 use of drugs in the Medicaid program. The agency may seek
261 federal waivers to implement this program.

262 b. The drug management system must be designed to improve
263 the quality of care and prescribing practices based on best
264 practice guidelines, improve patient adherence to medication
265 plans, reduce clinical risk, and lower prescribed drug costs and
266 the rate of inappropriate spending on Medicaid prescription
267 drugs. The program must:

268 (I) Provide for the development and adoption of best
269 practice guidelines for the prescribing and use of drugs in the
270 Medicaid program, including translating best practice guidelines

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271 into practice; reviewing prescriber patterns and comparing them
272 to indicators that are based on national standards and practice
273 patterns of clinical peers in their community, statewide, and
274 nationally; and determine deviations from best practice
275 guidelines.

276 (II) Implement processes for providing feedback to and
277 educating prescribers using best practice educational materials
278 and peer-to-peer consultation.

279 (III) Assess Medicaid recipients who are outliers in their
280 use of a single or multiple prescription drugs with regard to
281 the numbers and types of drugs taken, drug dosages, combination
282 drug therapies, and other indicators of improper use of
283 prescription drugs.

284 (IV) Alert prescribers to patients who fail to refill
285 prescriptions in a timely fashion, are prescribed multiple drugs
286 that may be redundant or contraindicated, or may have other
287 potential medication problems.

288 (V) Track spending trends for prescription drugs and
289 deviation from best practice guidelines.

290 (VI) Use educational and technological approaches to
291 promote best practices, educate consumers, and train prescribers
292 in the use of practice guidelines.

293 (VII) Disseminate electronic and published materials.

294 (VIII) Hold statewide and regional conferences.

295 (IX) Implement disease management programs in cooperation
296 with physicians and pharmacists, along with a model quality-
297 based medication component for individuals having chronic
298 medical conditions.

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299 ~~13.12.~~ The agency is authorized to contract for drug
300 rebate administration, including, but not limited to,
301 calculating rebate amounts, invoicing manufacturers, negotiating
302 disputes with manufacturers, and maintaining a database of
303 rebate collections.

304 ~~14.13.~~ The agency may specify the preferred daily dosing
305 form or strength for the purpose of promoting best practices
306 with regard to the prescribing of certain drugs as specified in
307 the General Appropriations Act and ensuring cost-effective
308 prescribing practices.

309 ~~15.14.~~ The agency may require prior authorization for
310 Medicaid-covered prescribed drugs. The agency may, but is not
311 required to, prior-authorize the use of a product:

- 312 a. For an indication not approved in labeling;
313 b. To comply with certain clinical guidelines; or
314 c. If the product has the potential for overuse, misuse,
315 or abuse.

316
317 The agency may require the prescribing professional to provide
318 information about the rationale and supporting medical evidence
319 for the use of a drug. The agency may post prior authorization
320 criteria and protocol and updates to the list of drugs that are
321 subject to prior authorization on an Internet website without
322 amending its rule or engaging in additional rulemaking.

323 ~~16.15.~~ The agency, in conjunction with the Pharmaceutical
324 and Therapeutics Committee, may require age-related prior
325 authorizations for certain prescribed drugs. The agency may
326 preauthorize the use of a drug for a recipient who may not meet

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327 | the age requirement or may exceed the length of therapy for use
328 | of this product as recommended by the manufacturer and approved
329 | by the Food and Drug Administration. Prior authorization may
330 | require the prescribing professional to provide information
331 | about the rationale and supporting medical evidence for the use
332 | of a drug.

333 | ~~17.16.~~ The agency shall implement a step-therapy prior
334 | authorization approval process for medications excluded from the
335 | preferred drug list. Medications listed on the preferred drug
336 | list must be used within the previous 12 months prior to the
337 | alternative medications that are not listed. The step-therapy
338 | prior authorization may require the prescriber to use the
339 | medications of a similar drug class or for a similar medical
340 | indication unless contraindicated in the Food and Drug
341 | Administration labeling. The trial period between the specified
342 | steps may vary according to the medical indication. The step-
343 | therapy approval process shall be developed in accordance with
344 | the committee as stated in s. 409.91195(7) and (8). A drug
345 | product may be approved without meeting the step-therapy prior.
346 | authorization criteria if the prescribing physician provides the
347 | agency with additional written medical or clinical documentation
348 | that the product is medically necessary because:

349 | a. There is not a drug on the preferred drug list to treat
350 | the disease or medical condition which is an acceptable clinical
351 | alternative;

352 | b. The alternatives have been ineffective in the treatment
353 | of the beneficiary's disease; or

Amendment No. 2

354 c. Based on historic evidence and known characteristics of
355 the patient and the drug, the drug is likely to be ineffective,
356 or the number of doses have been ineffective.

357
358 The agency shall work with the physician to determine the best
359 alternative for the patient. The agency may adopt rules waiving
360 the requirements for written clinical documentation for specific
361 drugs in limited clinical situations.

362 ~~18.17.~~ The agency shall implement a return and reuse
363 program for drugs dispensed by pharmacies to institutional
364 recipients, which includes payment of a \$5 restocking fee for
365 the implementation and operation of the program. The return and
366 reuse program shall be implemented electronically and in a
367 manner that promotes efficiency. The program must permit a
368 pharmacy to exclude drugs from the program if it is not
369 practical or cost-effective for the drug to be included and must
370 provide for the return to inventory of drugs that cannot be
371 credited or returned in a cost-effective manner. The agency
372 shall determine if the program has reduced the amount of
373 Medicaid prescription drugs which are destroyed on an annual
374 basis and if there are additional ways to ensure more
375 prescription drugs are not destroyed which could safely be
376 reused. The agency's conclusion and recommendations shall be
377 reported to the Legislature by December 1, 2005.

378
379
380 -----

T I T L E A M E N D M E N T

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1143 (2010)

Amendment No. 2

382 Remove line 157 and insert:
383 to the consumer-directed care program; amending s. 409.912,
384 F.S.; revising procedures for implementation of a Medicaid
385 prescribed-drug spending-control program; amending s. 429.07,

Amendment No. 3

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

1 Council/Committee hearing bill: Health & Family Services Policy
2 Council
3 Representative(s) Hudson offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 322 and 323, insert:

7 Section 4. Subsection (3) is added to section 381.00315,
8 Florida Statutes, to read:

9 381.00315 Public health advisories; public health
10 emergencies.—The State Health Officer is responsible for
11 declaring public health emergencies and issuing public health
12 advisories.

13 (3) To facilitate effective emergency management, when the
14 United States Department of Health and Human Services contracts
15 for the manufacturing and delivery of licensable products in
16 response to a public health emergency and the terms of those
17 contracts are made available to the states, the department shall
18 accept funds provided by cities, counties and other entities
19 designated in the state emergency management plan required under

Amendment No. 3

20 s. 252.35(2)(a) for the purpose of participation in these
21 contracts. The department shall deposit said funds in the Grants
22 and Donations Trust Fund and expend those funds on behalf of the
23 donor city, county or other entity for the purchase the
24 licensable products made available under the contract.
25
26

27 -----
28 **T I T L E A M E N D M E N T**

29 Remove line 7 and insert:
30 traffic infractions by county courts; amending s. 381.00315,
31 F.S.; allowing the Department of Health to accept and funds from
32 certain entities for the delivery of certain products pursuant
33 to a state of emergency; amending s.

Amendment No. 4

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Health & Family Services Policy
2 Council

3 Representative(s) Hudson offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 1236-1245 and insert:

7 (5) (a) The agency, in collaboration with the Division of
8 Children's Medical Services Network of the Department of Health,
9 ~~must, no later than December 31, 1993,~~ adopt rules for minimum
10 standards of care for persons under 21 years of age who reside
11 in nursing home facilities. The rules must include a methodology
12 for reviewing a nursing home facility under ss. 408.031-408.045
13 which serves only persons under 21 years of age. A facility may
14 be exempt from these standards for specific persons between 18
15 and 21 years of age, if the person's physician agrees that
16 minimum standards of care based on age are not necessary.

17 (b) The agency, in collaboration with the Division of
18 Children's Medical Services Network, shall adopt rules for
19 minimum staffing requirements for nursing home facilities which

Amendment No. 4

20 serve persons under 21 years of age which shall apply in lieu of
21 the standards contained in subsection (3).

22 1. For persons under 21 who require skilled care, these
23 requirements shall include a minimum combined average of
24 licensed nursing, respiratory therapists, and certified nursing
25 assistants of 3.9 hours of direct care per resident per day for
26 each nursing home facility.

27 2. For persons under 21 who are fragile, these
28 requirements shall include a minimum combined average of
29 licensed nursing, respiratory therapists, respiratory care
30 practitioners, and certified nursing assistants of 5.0 hours of
31 direct care per resident per day for each nursing home facility.

32

33

34

35

36

T I T L E A M E N D M E N T

37

Remove line 97 and insert:

38

reference; amending s. ,F.S.; requiring the agency to adopt

39

rules for minimum staffing standards in nursing homes which

40

serve persons under 21 years of age; providing minimum staffing

41

standards; amending s. 400.275, F.S.; revising agency

House of Representatives
COMMITTEE BILL ACTION WORKSHEET

Council/Committee on HEALTH & FAMILY SERVICES POLICY COUNCIL Bill No. HB 7083
 Meeting Date 4-6-10 Time 9:00 Am Place 212 Knott

COMMITTEE ACTION:

- Favorable
- Favorable with Amendments _____
- Favorable with Committee Substitute
- Unfavorable
- Temporarily Deferred
- Reconsidered

Other Action: _____

Final Vote on Bill		Members	#1							
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
✓		Rep. Thomas Anderson								
✓		Rep. Gwyndolen Clarke-Reed								
✓		Rep. Keith Fitzgerald								
✓		Rep. Denise Grimsley								
✓		Rep. D. Alan Hays								
✓		Rep. Matt Hudson								
		Rep. Kurt Kelly								
✓		Rep. Paige Kreegel								
✓		Rep. Ari Porth								
✓		Rep. Michelle Rehwinkel Vasilinda								
✓		Rep. Ronald Renuart								
✓		Rep. Elaine Schwartz								
✓		Rep. Kelly Skidmore								
✓		Rep. Nicholas Thompson								
✓		Rep. Juan Zapata								
✓		Rep. Ed Homan, Chair								
		<i>Kelly, yes if present</i>								
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
15	0	TOTALS	(A)							

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Health & Family Services Policy
 2 Council

3 Representative(s) Kreegel offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 61.13 Support of children; parenting and time-sharing;
 10 powers of court.—

11 (1)

12 (b) Each order for support shall contain a provision for
 13 health insurance for the minor child when health insurance is
 14 reasonable in cost and accessible to the child. Health insurance
 15 is presumed to be reasonable in cost if the incremental cost of
 16 adding health insurance for the child or children does not
 17 exceed 5 percent of the gross income, as defined in s. 61.30, of
 18 the parent responsible for providing health insurance. Health
 19 insurance is accessible to the child if the health insurance is

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7083 (2010)

Amendment No. 1

20 available to be used in the county of the child's primary
21 residence or in another county if the parent who has the most
22 time under the time-sharing plan agrees. If the time-sharing
23 plan provides for equal time-sharing, health insurance is
24 accessible to the child if the health insurance is available to
25 be used in either county where the child resides or in another
26 county if both parents agree. The court may require the obligor
27 to provide health insurance or to reimburse the obligee for the
28 cost of health insurance for the minor child when insurance is
29 provided by the obligee. The presumption of reasonable cost may
30 be rebutted by evidence of any of the factors in s.
31 61.30(11)(a). The court may deviate from what is presumed
32 reasonable in cost only upon a written finding explaining its
33 determination why ordering or not ordering the provision of
34 health insurance or the reimbursement of the obligee's cost for
35 providing health insurance for the minor child would be unjust
36 or inappropriate. In any event, the court shall apportion the
37 cost of health insurance, and any noncovered medical, dental,
38 and prescription medication expenses of the child, to both
39 parties by adding the cost to the basic obligation determined
40 pursuant to s. 61.30(6). The court may order that payment of
41 noncovered medical, dental, and prescription medication expenses
42 of the minor child be made directly to the obligee on a
43 percentage basis. In a proceeding for medical support only, each
44 parent's share of the child's ~~health insurance~~ and noncovered
45 medical expenses shall equal the parent's percentage share of
46 the combined net income of the parents. The percentage share
47 shall be calculated by dividing each parent's net monthly income

Amendment No. 1

48 by the combined monthly net income of both parents. Net income
49 is calculated as specified by s. 61.30(3) and (4).

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

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

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

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

63 2.a. A support order enforced under Title IV-D of the
64 Social Security Act which requires that the obligor provide
65 health insurance is enforceable by the department through the
66 use of the national medical support notice, and an amendment to
67 the support order is not required. The department shall transfer
68 the national medical support notice to the obligor's union or
69 employer. The department shall notify the obligor in writing
70 that the notice has been sent to the obligor's union or
71 employer, and the written notification must include the
72 obligor's rights and duties under the national medical support
73 notice. The obligor may contest the withholding required by the
74 national medical support notice based on a mistake of fact. To
75 contest the withholding, the obligor must file a written notice

COUNCIL/COMMITTEE AMENDMENT

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76 of contest with the department within 15 business days after the
77 date the obligor receives written notification of the national
78 medical support notice from the department. Filing with the
79 department is complete when the notice is received by the person
80 designated by the department in the written notification. The
81 notice of contest must be in the form prescribed by the
82 department. Upon the timely filing of a notice of contest, the
83 department shall, within 5 business days, schedule an informal
84 conference with the obligor to discuss the obligor's factual
85 dispute. If the informal conference resolves the dispute to the
86 obligor's satisfaction or if the obligor fails to attend the
87 informal conference, the notice of contest is deemed withdrawn.
88 If the informal conference does not resolve the dispute, the
89 obligor may request an administrative hearing under chapter 120
90 within 5 business days after the termination of the informal
91 conference, in a form and manner prescribed by the department.
92 However, the filing of a notice of contest by the obligor does
93 not delay the withholding of premium payments by the union,
94 employer, or health plan administrator. The union, employer, or
95 health plan administrator must implement the withholding as
96 directed by the national medical support notice unless notified
97 by the department that the national medical support notice is
98 terminated.

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

102 3. In a non-Title IV-D case, upon receipt of the order
103 pursuant to subparagraph 1., or upon application of the obligor

Amendment No. 1

104 pursuant to the order, the union or employer shall enroll the
105 minor child as a beneficiary in the group health plan regardless
106 of any restrictions on the enrollment period and withhold any
107 required premium from the obligor's income. If more than one
108 plan is offered by the union or employer, the child shall be
109 enrolled in the group health plan in which the obligor is
110 enrolled.

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

126 b. If health insurance or the obligor's employment is
127 terminated in a Title IV-D case, the union or employer that is
128 withholding premiums for health insurance under a national
129 medical support notice must notify the department within 20 days
130 after the termination and provide the obligor's last known

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7083 (2010)

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131 address and the name and address of the obligor's new employer,
132 if known.

133 5.a. The amount withheld by a union or employer in
134 compliance with a support order may not exceed the amount
135 allowed under s. 303(b) of the Consumer Credit Protection Act,
136 15 U.S.C. s. 1673(b), as amended. The union or employer shall
137 withhold the maximum allowed by the Consumer Credit Protection
138 Act in the following order:

- 139 (I) Current support, as ordered.
140 (II) Premium payments for health insurance, as ordered.
141 (III) Past due support, as ordered.
142 (IV) Other medical support or insurance, as ordered.

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

- 150 (I) Current support, as ordered.
151 (II) Past due support, as ordered.
152 (III) Other medical support or insurance, as ordered.

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

Amendment No. 1

159 7. The department may adopt rules to administer the child
160 support enforcement provisions of this section that affect Title
161 IV-D cases.

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

165 2. If both parties request and the court finds that it is
166 in the best interest of the child, support payments need not be
167 subject to immediate income deduction. Support orders that are
168 not subject to immediate income deduction may be directed
169 through the depository under s. 61.181 or made payable directly
170 to the obligee. Payments for all support orders that provide for
171 immediate income deduction shall be made to the State
172 Disbursement Unit. The court shall provide a copy of the order
173 to the depository.

174 3. For support orders payable directly to the obligee that
175 ~~do not provide for immediate income deduction~~, any party, or the
176 department IV-D agency in a IV-D case, may subsequently file an
177 affidavit with the depository State Disbursement Unit alleging a
178 default in payment of child support and stating that the party
179 wishes to require that payments be made through the depository
180 ~~State Disbursement Unit~~. The party shall provide copies of the
181 affidavit to the court and to each other party. Fifteen days
182 after receipt of the affidavit, the depository State
183 ~~Disbursement Unit~~ shall notify all parties that future payments
184 shall be paid through the depository, except that income
185 deduction payments shall be made to the State Disbursement Unit.
186

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7083 (2010)

Amendment No. 1

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

189 61.30 Child support guidelines; retroactive child
190 support.--

191 (15) For purposes of establishing an obligation for
192 support in accordance with this section, if a person who is
193 receiving public assistance is found to be noncooperative as
194 defined in s. 409.2572, the department IV-D agency is authorized
195 to submit to the court an affidavit or written declaration
196 signed under penalty of perjury pursuant to s. 92.525(2)
197 attesting to the income of that parent based upon information
198 available to the department IV-D agency.

199 Section 3. Subsection (2) of section 382.013, Florida
200 Statutes, is amended to read:

201 382.013 Birth registration.--

202 (2) PATERNITY.--

203 (a) If the mother is married at the time of birth, the
204 name of the husband shall be entered on the birth certificate as
205 the father of the child, unless paternity has been determined
206 otherwise by a court of competent jurisdiction.

207 (b) Notwithstanding paragraph (a), if the husband of the
208 mother dies while the mother is pregnant but before the birth of
209 the child, the name of the deceased husband shall be entered on
210 the birth certificate as the father of the child, unless
211 paternity has been determined otherwise by a court of competent
212 jurisdiction.

213 (c) If the mother is not married at the time of the birth,
214 the name of the father may not be entered on the birth

Amendment No. 1

215 certificate without the execution of an affidavit signed by both
216 the mother and the person to be named as the father. The
217 facility shall give notice orally or through the use of video or
218 audio equipment, and in writing, of the alternatives to, the
219 legal consequences of, and the rights, including, if one parent
220 is a minor, any rights afforded due to minority status, and
221 responsibilities that arise from signing an acknowledgment of
222 paternity, as well as information provided by the Title IV-D
223 agency established pursuant to s. 409.2557, regarding the
224 benefits of voluntary establishment of paternity. Upon request
225 of the mother and the person to be named as the father, the
226 facility shall assist in the execution of the affidavit, a
227 notarized voluntary acknowledgment of paternity, or a voluntary
228 acknowledgment of paternity that is witnessed by two individuals
229 and signed under penalty of perjury as specified by s.
230 92.525(2).

231 (d) If the paternity of the child is determined by a court
232 of competent jurisdiction, or there is a final judgment of
233 dissolution of marriage which requires the former husband to pay
234 child support for the child as provided under s. 382.015, the
235 name of the father and the surname of the child shall be entered
236 on the certificate in accordance with the finding and order of
237 the court. If the court fails to specify a surname for the
238 child, the surname shall be entered in accordance with
239 subsection (3).

240 (e) If the paternity of the child is determined pursuant
241 to s. 409.256, the name of the father and the surname of the

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7083 (2010)

Amendment No. 1

242 child shall be entered on the certificate in accordance with the
243 finding and order of the Department of Revenue.

244 (f) If the mother and father marry each other at any time
245 after the child's birth, upon receipt of a marriage license that
246 identifies any such child, the department shall amend the
247 certificate with regard to the parents' marital status as though
248 the parents were married at the time of birth.

249 (g) ~~(f)~~ If the father is not named on the certificate, no
250 other information about the father shall be entered on the
251 certificate.

252 Section 4. Subsection (2) of section 382.015, Florida
253 Statutes, is amended to read:

254 382.015 New certificates of live birth; duty of clerks of
255 court and department.—The clerk of the court in which any
256 proceeding for adoption, annulment of an adoption, affirmation
257 of parental status, or determination of paternity is to be
258 registered, shall within 30 days after the final disposition,
259 forward to the department a certified copy of the court order,
260 or a report of the proceedings upon a form to be furnished by
261 the department, together with sufficient information to identify
262 the original birth certificate and to enable the preparation of
263 a new birth certificate. The clerk of the court shall implement
264 a monitoring and quality control plan to ensure that all
265 judicial determinations of paternity are reported to the
266 department in compliance with this section. The department shall
267 track paternity determinations reported monthly by county,
268 monitor compliance with the 30-day timeframe, and report the
269 data to the clerks of the court quarterly.

Amendment No. 1

270 (2) DETERMINATION OF PATERNITY.—Upon receipt of the
271 report, ~~or~~ a certified copy of a final decree of determination
272 of paternity, or a certified copy of a final judgment of
273 dissolution of marriage that requires the former husband to pay
274 support for the child, together with sufficient information to
275 identify the original certificate of live birth, the department
276 shall prepare and file a new birth certificate which shall bear
277 the same file number as the original birth certificate. The
278 registrant's name shall be entered as decreed by the court or as
279 reflected in the final judgment or support order. The names and
280 identifying information of the parents shall be entered as of
281 the date of the registrant's birth.

282 Section 5. Paragraph (b) of subsection (1) of section
283 382.016, Florida Statutes, is amended to read:

34 382.016 Amendment of records.—The department, upon receipt
285 of the fee prescribed in s. 382.0255; documentary evidence, as
286 specified by rule, of any misstatement, error, or omission
287 occurring in any birth, death, or fetal death record; and an
288 affidavit setting forth the changes to be made, shall amend or
289 replace the original certificate as necessary.

290 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

291 (b) Upon written request and receipt of an affidavit, a
292 notarized voluntary acknowledgment of paternity signed by the
293 mother and father acknowledging the paternity of a registrant
294 born out of wedlock, or a voluntary acknowledgment of paternity
295 that is witnessed by two individuals and signed under penalty of
296 perjury as specified by s. 92.525(2), together with sufficient
297 information to identify the original certificate of live birth,

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7083 (2010)

Amendment No. 1

298 the department shall prepare a new birth certificate, which
299 shall bear the same file number as the original birth
300 certificate. The names and identifying information of the
301 parents shall be entered as of the date of the registrant's
302 birth. The surname of the registrant may be changed from that
303 shown on the original birth certificate at the request of the
304 mother and father of the registrant, or the registrant if of
305 legal age. If the mother and father marry each other at any time
306 after the registrant's birth, the department shall, upon receipt
307 of a marriage license that identifies the registrant, or upon
308 the request of the mother and father or the registrant if the
309 registrant is of legal age, and upon proof of the marriage,
310 amend the certificate with regard to the parents' marital status
311 as though the parents were married at the time of birth. The
312 department shall substitute the new certificate of birth for the
313 original certificate on file. All copies of the original
314 certificate of live birth in the custody of a local registrar or
315 other state custodian of vital records shall be forwarded to the
316 State Registrar. Thereafter, when a certified copy of the
317 certificate of birth or portion thereof is issued, it shall be a
318 copy of the new certificate of birth or portion thereof, except
319 when a court order requires issuance of a certified copy of the
320 original certificate of birth. Except for a birth certificate on
321 which a father is listed pursuant to an affidavit, a notarized
322 voluntary acknowledgment of paternity signed by the mother and
323 father acknowledging the paternity of a registrant born out of
324 wedlock, or a voluntary acknowledgment of paternity that is
325 witnessed by two individuals and signed under penalty of perjury

Amendment No. 1

326 as specified by s. 92.525(2), the department shall place the
327 original certificate of birth and all papers pertaining thereto
328 under seal, not to be broken except by order of a court of
329 competent jurisdiction or as otherwise provided by law.

330 Section 6. Effective July 1, 2010, paragraph (b) of
331 subsection (3) of section 409.2558, Florida Statutes, is amended
332 to read:

333 409.2558 Support distribution and disbursement.—

334 (3) UNDISTRIBUTABLE COLLECTIONS.—

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

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

40 2. Apply the payment to any financial liability incurred
341 by the obligor as a result of an overpayment to the obligor that
342 the obligor has failed to return to the department after notice;
343 then

344 3. Apply the payment to any financial liability incurred
345 by the obligee as a result of an overpayment to the obligee that
346 the obligee has failed to return to the department after notice;
347 then

348 4.1. Apply the payment to any assigned arrears on the
349 obligee's case; then

350 5.2. Apply the payment to any administrative costs ordered
351 by the court pursuant to s. 409.2567 associated with the
352 obligee's case; then

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7083 (2010)

Amendment No. 1

353 ~~6.3.~~ When the obligor is subject to a valid order to
354 support another child in a case with a different obligee and the
355 obligation is being enforced by the department, the department
356 shall send by certified mail, restricted delivery, return
357 receipt requested, to the obligor at the most recent address
358 provided by the obligor to the tribunal that issued the order, a
359 notice stating the department's intention to apply the payment
360 pursuant to this subparagraph, and advising the obligor of the
361 right to contest the department's proposed action in the circuit
362 court by filing and serving a petition on the department within
363 30 days after the mailing of the notice. If the obligor does not
364 file and serve a petition within the 30 days after mailing of
365 the notice, or upon a disposition of the judicial action
366 favorable to the department, the department shall apply the
367 payment toward his or her other support obligation. If there is
368 more than one such other case, the department shall allocate the
369 remaining undistributable amount as specified by s.

370 61.1301(4)(c); then

371 ~~7.4.~~ Return the payment to the obligor; then

372 ~~8.5.~~ If the obligor cannot be located after diligent
373 efforts by the department, the federal share of the payment
374 shall be credited to the Federal Government and the state share
375 shall be transferred to the General Revenue Fund.

376 Section 7. Effective July 1, 2010, paragraph (d) is added
377 to subsection (3) of section 409.2558, Florida Statutes, to
378 read:

379 409.2558 Support distribution and disbursement.—

380 (3) UNDISTRIBUTABLE COLLECTIONS.—

Amendment No. 1

381 (d) If a payment of less than \$1 is made by a paper check
382 on an open Title IV-D case and the payment is not cashed after
383 180 days, or less than \$1 is owed on a closed Title IV-D case,
384 the department shall declare the payment as program income,
385 crediting the federal share of the payment to the Federal
386 Government and the state share of the payment to the General
387 Revenue Fund, without attempting to locate either party.

388 Section 8. Section 409.256, Florida Statutes, is amended
389 to read:

390 409.256 Administrative proceeding to establish paternity
391 or paternity and child support; order to appear for genetic
392 testing.—

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

394 (a) "Another state" or "other state" means a state of the
395 United States, the District of Columbia, Puerto Rico, the United
396 States Virgin Islands, or any territory or insular possession
397 subject to the jurisdiction of the United States. The term
398 includes:

399 1. An Indian tribe.

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

406 (b) "Caregiver Custodian" means a person, other than the
407 mother, father, or a putative father, who has physical custody
408 of a child or with whom the child primarily resides. References

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409 in this section to the obligation of a caregiver ~~eustodian~~ to
410 submit to genetic testing mean that the caregiver ~~eustodian~~ is
411 obligated to submit the child for genetic testing, not that the
412 caregiver ~~eustodian~~ must submit to genetic testing.

413 (c) "Filed" means a document has been received and
414 accepted for filing at the offices of the department ~~of Revenue~~
415 by the clerk or an authorized deputy clerk designated by the
416 department.

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

421 (e) "Paternity and child support proceeding" means an
422 administrative action commenced by the department ~~of Revenue~~ to
423 order genetic testing, establish paternity, and establish an
424 administrative support order pursuant to this section.

425 (f) "Paternity proceeding" means an administrative action
426 commenced by the department ~~of Revenue~~ to order genetic testing
427 and establish paternity pursuant to this section.

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

432 (h) "Qualified technical laboratory" means a genetic-
433 testing laboratory that may be under contract with the
434 department ~~of Revenue~~, that uses tests and methods of a type
435 generally acknowledged as reliable by accreditation
436 organizations recognized by the United States Department of

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437 Health and Human Services, and that is approved by such an
438 accreditation organization. The term includes a genetic-testing
439 laboratory used by another state, if the laboratory has
440 comparable qualifications.

441 (i) "Rendered" means that a signed written order is filed
442 with the clerk or a deputy clerk of the department ~~of Revenue~~
443 and served on the respondent. The date of filing must be
444 indicated on the face of the order at the time of rendition.

445 (j) "Respondent" means the person or persons served by the
446 department ~~of Revenue~~ with a notice of proceeding pursuant to
447 subsection (4). The term includes the putative father and may
448 include the mother or the caregiver ~~custodian~~ of the child.

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

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

453 (a) The department ~~of Revenue~~ may commence a paternity
454 proceeding or a paternity and child support proceeding as
455 provided in subsection (4) if:

- 456 1. The child's paternity has not been established.
- 457 2. No one is named as the father on the child's birth
458 certificate or the person named as the father is the putative
459 father named in an affidavit or a written declaration as
460 provided in subparagraph 5.
- 461 3. The child's mother was unmarried when the child was
462 conceived and born.
- 463 4. The department ~~of Revenue~~ is providing services under
464 Title IV-D.

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465 5. The child's mother, caregiver or a putative father has
466 stated in an affidavit, or in a written declaration as provided
467 in s. 92.525(2) that the putative father is or may be the
468 child's biological father. The affidavit or written declaration
469 must set forth the factual basis for the allegation of paternity
470 as provided in s. 742.12(2).

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

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

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

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

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493 under Title IV-D resides or, if the person receiving services
494 under Title IV-D does not reside in this state, in the judicial
495 circuit where the respondent resides. If the department of
496 ~~Revenue~~ and the respondent agree, the hearing may be held in
497 another location. If ordered by the administrative law judge,
498 the hearing may be conducted telephonically or by
499 videoconference.

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

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

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

519 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
520 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC

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521 | TESTING; MANNER OF SERVICE; CONTENTS.—The department of Revenue
522 | shall commence a proceeding to determine paternity, or a
523 | proceeding to determine both paternity and child support, by
524 | serving the respondent with a notice as provided in this
525 | section. An order to appear for genetic testing may be served at
526 | the same time as a notice of the proceeding or may be served
527 | separately. A copy of the affidavit or written declaration upon
528 | which the proceeding is based shall be provided to the
529 | respondent when notice is served. A notice or order to appear
530 | for genetic testing shall be served by certified mail,
531 | restricted delivery, return receipt requested, or in accordance
532 | with the requirements for service of process in a civil action.
533 | Service by certified mail is completed when the certified mail
534 | is received or refused by the addressee or by an authorized
535 | agent as designated by the addressee in writing. If a person
536 | other than the addressee signs the return receipt, the
537 | department shall attempt to reach the addressee by telephone to
538 | confirm whether the notice was received, and the department
539 | shall document any telephonic communications. If someone other
540 | than the addressee signs the return receipt, the addressee does
541 | not respond to the notice, and the department is unable to
542 | confirm that the addressee has received the notice, service is
543 | not completed and the department shall attempt to have the
544 | addressee served personally. For purposes of this section, an
545 | employee or an authorized agent of the department may serve the
546 | notice or order to appear for genetic testing and execute an
547 | affidavit of service. The department may serve an order to
548 | appear for genetic testing on a caregiver custodian. The

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549 department shall provide a copy of the notice or order to appear
550 by regular mail to the mother and caregiver ~~eustodian~~, if they
551 are not respondents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

613

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

616 (b) A notice of proceeding to establish paternity and
617 child support must state the requirements of paragraph (a),
618 except for subparagraph (a)7., and must state the requirements
19 of s. 409.2563(4), to the extent that the requirements of s.
620 409.2563(4) are not already required by and do not conflict with
621 this subsection. This section and s. 409.2563 apply to a
622 proceeding commenced under this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

665 (d) If the putative father is incarcerated, the
666 correctional facility shall assist the putative father in
667 complying with an administrative order to appear for genetic
668 testing issued under this section.

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

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

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

684 (b) Following an informal review, within 15 days after the
685 mailing date of the department's ~~Department of Revenue's~~
686 notification that the department shall proceed with an order to
687 appear for genetic testing, the person ordered to appear may
688 file a request for an administrative hearing to contest whether

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689 the person should be required to submit to genetic testing. A
690 request for an administrative hearing must state the specific
691 reasons why the person ordered to appear believes he or she
692 should not be required to submit to genetic testing as ordered.
693 If the person ordered to appear files a timely request for a
694 hearing, the department shall refer the hearing request to the
695 Division of Administrative Hearings. Unless otherwise provided
696 in this section, administrative hearings are governed by chapter
697 120 and the uniform rules of procedure. The administrative law
698 judge assigned to the case shall issue an order as to whether
699 the person must submit to genetic testing in accordance with the
700 order to appear. The department or the person ordered to appear
701 may seek immediate judicial review under s. 120.68 of an order
702 issued by an administrative law judge pursuant to this
703 paragraph.

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

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

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

714 3. The Division of Administrative Hearings issues an order
715 that the person must submit to genetic testing, or issues an

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716 order closing the division's file, and that an order has become
717 final.

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

722 (6) SCHEDULING OF GENETIC TESTING.—

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

736 (b) The department shall reschedule genetic testing:

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

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

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

745

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

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

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

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

767 (7) FAILURE OR REFUSAL TO SUBMIT TO GENETIC TESTING.—If a
768 person who is served with an order to appear for genetic testing
769 fails to appear without good cause or refuses to submit to

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770 testing without good cause, the department may take one or more
771 of the following actions:

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

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

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

781
782 As provided in s. 322.058(2), a suspended driver's license and
783 motor vehicle registration may be reinstated when the person
784 ordered to appear complies with the order to appear for genetic
785 testing. The department may collect an administrative fine
786 imposed under this subsection by using civil remedies or other
787 statutory means available to the department for collecting
788 support.

789 (8) GENETIC-TESTING RESULTS.—The department shall send a
790 copy of the genetic-testing results to the putative father, to
791 the mother, to the caregiver ~~eustodian~~, and to the other state,
792 if applicable. If the genetic-testing results, including second
793 or subsequent genetic-testing results, do not indicate a
794 statistical probability of paternity that equals or exceeds 99
795 percent, the paternity proceeding in connection with that child
796 shall cease.

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

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

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

806 2. If appropriate, delay issuing a proposed order of
807 paternity and commence, by regular mail, an administrative
808 proceeding to establish a support order for the child pursuant
809 to s. 409.2563 and issue a single proposed order that addresses
810 paternity and child support.

811 (b) A proposed order of paternity must:

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

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

814 3. Include notice of the respondent's right to informal
815 review and to contest the proposed order of paternity at an
816 administrative hearing.

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

823 (d) The department ~~of Revenue~~ shall serve a proposed order
824 issued under this section on the respondent by regular mail and

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825 shall provide a copy by regular mail to the mother or caregiver
826 custodian if they are not respondents.

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

829 (a) Within 10 days after the date of mailing or other
830 service of a proposed order of paternity, the respondent may
831 contact a representative of the department ~~of Revenue~~ at the
832 address or telephone number provided to request an informal
833 review of the proposed order. If an informal review is timely
834 requested, the time for requesting a hearing is extended until
835 10 days after the department mails notice to the respondent that
836 the informal review has been concluded.

837 (b) Within 20 days after the mailing date of the proposed
838 order or within 10 days after the mailing date of notice that an
839 informal review has been concluded, whichever is later, the
840 respondent may request an administrative hearing by filing a
841 written request for a hearing with the department ~~of Revenue~~. A
842 request for a hearing must state the specific objections to the
843 proposed order, the specific objections to the genetic testing
844 results, or both. A respondent who fails to file a timely
845 request for a hearing is deemed to have waived the right to a
846 hearing.

847 (c) If the respondent files a timely request for a
848 hearing, the department ~~of Revenue~~ shall refer the hearing
849 request to the Division of Administrative Hearings. Unless
850 otherwise provided in this section or in s. 409.2563, chapter
851 120 and the uniform rules of procedure govern the conduct of the
852 proceedings.

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853 (d) The genetic-testing results shall be admitted into
854 evidence and made a part of the hearing record. For purposes of
855 this section, a statistical probability of paternity that equals
856 or exceeds 99 percent creates a presumption, as defined in s.
857 90.304, that the putative father is the biological father of the
858 child. The presumption may be overcome only by clear and
859 convincing evidence. The respondent or the department ~~of Revenue~~
860 may call an expert witness to refute or support the testing
861 procedure or results or the mathematical theory on which they
862 are based. Verified documentation of the chain of custody of the
863 samples tested is competent evidence to establish the chain of
864 custody.

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

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

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

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

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

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

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

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

904 (13) DUTY TO PROVIDE AND MAINTAIN CURRENT MAILING
905 ADDRESS.—Until a proceeding that has been commenced under this
906 section has ended, a respondent who is served with a notice of
907 proceeding must inform the department ~~of Revenue~~ in writing of

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908 any change in the respondent's mailing address and is deemed to
909 have received any subsequent order, notice, or other paper
910 mailed to that address, or the address at which the respondent
911 was served, if the respondent has not provided a more recent
912 address.

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

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

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

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

927 Section 9. Paragraph (b) of subsection (1), paragraph (d)
928 of subsection (2), subsection (4), paragraphs (a) and (b) of
929 subsection (5), paragraphs (d) and (e) of subsection (7), and
930 subsection (13) of section 409.2563, Florida Statutes, are
931 amended to read:

932 409.2563 Administrative establishment of child support
933 obligations.—

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

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

939

940 Other terms used in this section have the meanings ascribed in
941 ss. 61.046 and 409.2554.

942 (2) PURPOSE AND SCOPE.--

943 (d) Either parent, or a caregiver caretaker relative if
944 applicable, may at any time file a civil action in a circuit
945 court having jurisdiction and proper venue to determine parental
946 support obligations, if any. A support order issued by a circuit
947 court prospectively supersedes an administrative support order
948 rendered by the department.

19 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
950 SUPPORT ORDER.--To commence a proceeding under this section, the
951 department shall provide to the parent from whom support is not
952 being sought and serve the parent from whom support is being
953 sought with a notice of proceeding to establish administrative
954 support order and a blank financial affidavit form. The notice
955 must state:

956 (a) The names of both parents, the name of the caregiver
957 caretaker relative, if any, and the name and date of birth of
958 the child or children;

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

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

964 (d) That both parents, or a parent and the caregiver
965 ~~caretaker relative~~ if applicable, are required to furnish to the
966 department information regarding their identities and locations,
967 as provided by paragraph (13) (b);

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

973 (f) That the department will calculate support obligations
974 based on the child support guidelines schedule in s. 61.30 and
975 using all available information, as provided by paragraph
976 (5) (a), and will incorporate such obligations into a proposed
977 administrative support order;

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

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

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988 (i) That if the parent from whom support is being sought
989 does not file a timely request for hearing after service of the
990 proposed administrative support order, the department will issue
991 an administrative support order that incorporates the findings
992 of the proposed administrative support order, and will send by
993 regular mail a copy of the administrative support order to both
994 parents, or a parent and the caregiver ~~caretaker~~ relative if
995 applicable;

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

999 (k) That after an administrative support order is
1000 rendered, the department may enforce the administrative support
1001 order by any lawful means;

1002 (l) That either parent, or the caregiver ~~caretaker~~
1003 ~~relative~~ if applicable, may file at any time a civil action in a
1004 circuit court having jurisdiction and proper venue to determine
1005 parental support obligations, if any, and that a support order
1006 issued by a circuit court supersedes an administrative support
1007 order rendered by the department;

1008 (m) That, neither the department nor the Division of
1009 Administrative Hearings has jurisdiction to award or change
1010 child custody or rights of parental contact or time-sharing and
1011 these issues may only be addressed in circuit court.

1012 1. The parent from whom support is being sought may
1013 request in writing that the department proceed in circuit court
1014 to determine his or her support obligations.

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1015 2. The parent from whom support is being sought may state
1016 in writing to the department his or her intention to address
1017 issues concerning custody or rights to parental contact in
1018 circuit court.

1019 3. If the parent from whom support is being sought submits
1020 the request authorized in subparagraph 1., or the statement
1021 authorized in subparagraph 2. to the department within 20 days
1022 after the receipt of the initial notice, the department shall
1023 file a petition in circuit court for the determination of the
1024 parent's child support obligations, and shall send to the parent
1025 from whom support is being sought a copy of its petition, a
1026 notice of commencement of action, and a request for waiver of
1027 service of process as provided in the Florida Rules of Civil
1028 Procedure.

1029 4. If, within 10 days after receipt of the department's
1030 petition and waiver of service, the parent from whom support is
1031 being sought signs and returns the waiver of service form to the
1032 department, the department shall terminate the administrative
1033 proceeding without prejudice and proceed in circuit court.

1034 5. In any circuit court action filed by the department
1035 pursuant to this paragraph or filed by a parent from whom
1036 support is being sought or other person pursuant to paragraph
1037 (1) or paragraph (n), the department shall be a party only with
1038 respect to those issues of support allowed and reimbursable
1039 under Title IV-D of the Social Security Act. It is the
1040 responsibility of the parent from whom support is being sought
1041 or other person to take the necessary steps to present other
1042 issues for the court to consider.

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1043 (n) That if the parent from whom support is being sought
1044 files an action in circuit court and serves the department with
1045 a copy of the petition within 20 days after being served notice
1046 under this subsection, the administrative process ends without
1047 prejudice and the action must proceed in circuit court;

1048 (o) Information provided by the Office of State Courts
1049 Administrator concerning the availability and location of self-
1050 help programs for those who wish to file an action in circuit
1051 court but who cannot afford an attorney.

1052

1053 The department may serve the notice of proceeding to establish
1054 administrative support order by certified mail, restricted
1055 delivery, return receipt requested. Alternatively, the
1056 department may serve the notice by any means permitted for
57 service of process in a civil action. For purposes of this
1058 section, an authorized employee of the department may serve the
1059 notice and execute an affidavit of service. Service by certified
1060 mail is completed when the certified mail is received or refused
1061 by the addressee or by an authorized agent as designated by the
1062 addressee in writing. If a person other than the addressee signs
1063 the return receipt, the department shall attempt to reach the
1064 addressee by telephone to confirm whether the notice was
1065 received, and the department shall document any telephonic
1066 communications. If someone other than the addressee signs the
1067 return receipt, the addressee does not respond to the notice,
1068 and the department is unable to confirm that the addressee has
1069 received the notice, service is not completed and the department
1070 shall attempt to have the addressee served personally. The

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1071 department shall provide the parent from whom support is not
1072 being sought or the caregiver ~~caretaker~~ relative with a copy of
1073 the notice by regular mail to the last known address of the
1074 parent from whom support is not being sought or the caregiver
1075 ~~caretaker~~.

1076 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

1077 (a) After serving notice upon a parent in accordance with
1078 subsection (4), the department shall calculate that parent's
1079 child support obligation under the child support guidelines
1080 schedule as provided by s. 61.30, based on any timely financial
1081 affidavits received and other information available to the
1082 department. If either parent fails to comply with the
1083 requirement to furnish a financial affidavit, the department may
1084 proceed on the basis of information available from any source,
1085 if such information is sufficiently reliable and detailed to
1086 allow calculation of guideline schedule amounts under s. 61.30.
1087 If a parent receives public assistance and fails to submit a
1088 financial affidavit, the department may submit a financial
1089 affidavit or written declaration for that parent pursuant to s.
1090 61.30(15). If there is a lack of sufficient reliable information
1091 concerning a parent's actual earnings for a current or past
1092 period, it shall be presumed for the purpose of establishing a
1093 support obligation that the parent had an earning capacity equal
1094 to the federal minimum wage during the applicable period.

1095 (b) The department shall send by regular mail to both
1096 parents, or to a parent and the caregiver ~~caretaker~~ relative if
1097 applicable, copies of the proposed administrative support order,
1098 its completed child support worksheet, and any financial

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1099 affidavits submitted by a parent or prepared by the department.
1100 The proposed administrative support order must contain the same
1101 elements as required for an administrative support order under
1102 paragraph (7) (e).

1103 (7) ADMINISTRATIVE SUPPORT ORDER.—

1104 (d) The department shall send by regular mail a copy of
1105 the administrative support order, or the final order denying an
1106 administrative support order, to both parents, or a parent and
1107 the caregiver caretaker relative if applicable. The parent from
1108 whom support is being sought shall be notified of the right to
1109 seek judicial review of the administrative support order in
1110 accordance with s. 120.68.

1111 (e) An administrative support order must comply with ss.
1112 61.13(1) and 61.30. The department shall develop a standard form
1113 or forms for administrative support orders. An administrative
1114 support order must provide and state findings, if applicable,
1115 concerning:

- 1116 1. The full name and date of birth of the child or
1117 children;
- 1118 2. The name of the parent from whom support is being
1119 sought and the other parent or the caregiver caretaker relative;
- 1120 3. The parent's duty and ability to provide support;
- 1121 4. The amount of the parent's monthly support obligation;
- 1122 5. Any obligation to pay retroactive support;
- 1123 6. The parent's obligation to provide for the health care
1124 needs of each child, whether through health insurance,
1125 contribution towards the cost of health insurance, payment or

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1126 reimbursement of health care expenses for the child, or any
1127 combination thereof;

1128 7. The beginning date of any required monthly payments and
1129 health insurance;

1130 8. That all support payments ordered must be paid to the
1131 Florida State Disbursement Unit as provided by s. 61.1824;

1132 9. That the parents, or the caregiver ~~caretaker~~ relative
1133 if applicable, must file with the department when the
1134 administrative support order is rendered, if they have not
1135 already done so, and update as appropriate the information
1136 required pursuant to paragraph (13) (b);

1137 10. That both parents, or a parent and the caregiver
1138 ~~caretaker~~ relative if applicable, are required to promptly
1139 notify the department of any change in their mailing addresses
1140 pursuant to paragraph (13) (c); and

1141 11. That if the parent ordered to pay support receives
1142 unemployment compensation benefits, the payor shall withhold,
1143 and transmit to the department, 40 percent of the benefits for
1144 payment of support, not to exceed the amount owed.

1145
1146 An income deduction order as provided by s. 61.1301 must be
1147 incorporated into the administrative support order or, if not
1148 incorporated into the administrative support order, the
1149 department or the Division of Administrative Hearings shall
1150 render a separate income deduction order.

1151 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
1152 ADDRESS OF RECORD.—In all proceedings pursuant to this section:

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1153 (a) Each parent must execute and furnish to the
1154 department, no later than 20 days after receipt of the notice of
1155 proceeding to establish administrative support order, a
1156 financial affidavit in the form prescribed by the department. An
1157 updated financial affidavit must be executed and furnished to
1158 the department at the inception of each proceeding to modify an
1159 administrative support order. A caregiver is ~~Caretaker relatives~~
1160 ~~are not required to furnish a financial affidavit affidavits.~~

1161 (b) Each parent and the caregiver ~~caretaker relative~~ if
1162 applicable, shall disclose to the department, no later than 20
1163 days after receipt of the notice of proceeding to establish
1164 administrative support order, and update as appropriate,
1165 information regarding his or her identity and location,
1166 including names he or she is known by; social security number;
67 residential and mailing addresses; telephone numbers; driver's
1168 license numbers; and names, addresses, and telephone numbers of
1169 employers. Pursuant to the federal Personal Responsibility and
1170 Work Opportunity Reconciliation Act of 1996, each person must
1171 provide his or her social security number in accordance with
1172 this section. Disclosure of social security numbers obtained
1173 through this requirement shall be limited to the purpose of
1174 administration of the Title IV-D program for child support
1175 enforcement.

1176 (c) Each parent and the caregiver ~~caretaker relative~~, if
1177 applicable, has a continuing obligation to promptly inform the
1178 department in writing of any change in his or her mailing
1179 address to ensure receipt of all subsequent pleadings, notices,
1180 payments, statements, and orders, and receipt is presumed if

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1181 sent by regular mail to the most recent address furnished by the
1182 person.

1183 Section 10. Effective October 1, 2010, subsection (7) of
1184 section 409.25635, Florida Statutes, is amended to read:

1185 409.25635 Determination and collection of noncovered
1186 medical expenses.—

1187 (7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.—Any
1188 administrative remedy available for collection of support may be
1189 used to collect noncovered medical expenses that are determined
1190 or established under this section. The department may collect
1191 noncovered medical expenses in installments by adding a periodic
1192 payment to an income deduction notice issued by the department.

1193 Section 11. Effective November 1, 2010, subsections (4),
1194 (5), (7), (8), (9), and (11) of section 409.2564, Florida
1195 Statutes, are amended to read:

1196 409.2564 Actions for support.—

1197 (4) Whenever the Department of Revenue has undertaken an
1198 action for enforcement of support, the Department of Revenue may
1199 enter into an agreement with the obligor for the entry of a
1200 judgment determining paternity, if applicable, and for periodic
1201 child support payments based on the child support guidelines
1202 schedule in s. 61.30. Prior to entering into this agreement, the
1203 obligor shall be informed that a judgment will be entered based
1204 on the agreement. The clerk of the court shall file the
1205 agreement without the payment of any fees or charges, and the
1206 court, upon entry of the judgment, shall forward a copy of the
1207 judgment to the parties to the action. ~~To encourage out-of-court~~
1208 ~~settlement and promote support order compliance, if the obligor~~

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1209 ~~and the Department of Revenue agree on entry of a support order~~
1210 ~~and its terms, the guideline amount owed for retroactive support~~
1211 ~~that is permanently assigned to the state shall be reduced by 25~~
1212 ~~percent.~~

1213 (5) Whenever the department IV-D agency has undertaken an
1214 action to determine paternity, to establish an obligation of
1215 support, or to enforce or modify an obligation of support, the
1216 department IV-D agency shall be a party to the action only for
1217 those purposes allowed under Title IV-D of the Social Security
1218 Act. The program attorney shall be the attorney of record solely
1219 for the purposes of support enforcement as authorized under
1220 Title IV-D and may prosecute only those activities which are
1221 eligible for federal financial participation under Title IV-D.
1222 An attorney-client relationship exists only between the
1223 department and the legal services providers in all Title IV-D
1224 cases. The attorney shall advise the obligee in Title IV-D cases
1225 that the attorney represents the agency and not the obligee.

1226 (7) The director of the department Title IV-D agency, or
1227 the director's designee, is authorized to subpoena from any
1228 person financial and other information necessary to establish,
1229 modify, or enforce a child support order.

1230 (a) For the purpose of establishing or modifying a child
1231 support order, or enforcing a support order, the director of the
1232 department ~~this~~ or another state's Title IV-D agency, or any
1233 employee designated by the director of the department ~~this~~
1234 ~~state's Title IV-D agency~~ or authorized under another state's
1235 law, may administer oaths or affirmations, subpoena witnesses
1236 and compel their attendance, take evidence and require the

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1237 production of any matter which is relevant to the support
1238 action, including the existence, description, nature, custody,
1239 condition, and location of any books, documents, or other
1240 tangible things and the identity and location of persons having
1241 knowledge of relevant facts or any other matter reasonably
1242 calculated to lead to the discovery of material evidence.

1243 (b) Subpoenas issued by the department ~~this~~ or another ~~any~~
1244 ~~other~~ state's Title IV-D agency may be challenged in accordance
1245 with s. 120.569(2)(k)1. While a subpoena is being challenged,
1246 the department ~~Title IV-D agency~~ may not impose a fine as
1247 provided for under paragraph (c) until the challenge is complete
1248 and the subpoena has been found to be valid.

1249 (c) The department ~~Title IV-D agency~~ is authorized to
1250 impose a fine for failure to comply with a subpoena. Failure to
1251 comply with the subpoena, or to challenge the subpoena as
1252 provided in paragraph (b), within 15 days after service of the
1253 subpoena may result in the agency taking the following actions:

1254 1. Imposition of an administrative fine of not more than
1255 \$500.

1256 2. Enforcement of the subpoena as provided in s.
1257 120.569(2)(k)2. When the subpoena is enforced pursuant to s.
1258 120.569(2)(k)2., the court may award costs and fees to the
1259 prevailing party in accordance with that section.

1260 (d) The department ~~Title IV-D agency~~ may seek to collect
1261 administrative fines imposed pursuant to paragraph (c) by filing
1262 a petition in the circuit court of the judicial circuit in which
1263 the person against whom the fine was imposed resides. All fines
1264 collected pursuant to this subsection shall be deposited into

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1265 the Child Support Enforcement Application and Program Revenue
1266 Trust Fund.

1267 (8) In cases in which support is subject to an assignment
1268 as provided under 45 C.F.R. s. 301.1, the department Title IV-D
1269 agency shall, upon providing notice to the obligor and obligee,
1270 direct the obligor or other payor to change the payee to the
1271 appropriate depository.

1272 (9) (a) For the purpose of securing delinquent support, the
1273 department Title IV-D agency may increase the amount of the
1274 monthly support obligation to include amounts for delinquencies,
1275 subject to such conditions or limitations as set forth in
1276 paragraph (b).

1277 (b) In support obligations not subject to income
1278 deduction, the department Title IV-D agency shall notify the
1279 obligor of his or her delinquency and of the department's intent
1280 to require an additional 20 percent of the monthly obligation
1281 amount to allow for collection of the delinquency unless, within
1282 20 days, the obligor:

- 1283 1. Pays the delinquency in full; or
- 1284 2. Files a petition with the circuit court to contest the
1285 delinquency action.

1286 (11) (a) The department Title IV-D agency shall review
1287 child support orders in IV-D cases at least once every 3 years
1288 when requested upon request by either party, or when support
1289 rights are assigned the agency in cases where there is an
1290 assignment of support to the state under s. 414.095(7), and may
1291 seek modification adjustment of the order if appropriate under
1292 the child support guidelines schedule established in s. 61.30.

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1293 Not less than once every 3 years the department IV-D agency
1294 shall provide notice to the parties subject to the order
1295 informing them of their right to request a review and, if
1296 appropriate, a modification an adjustment of the child support
1297 order. The said notice requirement may be met by including
1298 appropriate language in the initial support order or any
1299 subsequent orders.

1300 (b) If the department's review of a support order entered
1301 by the circuit court indicates that the order should be
1302 modified, the department, through counsel, shall file a petition
1303 to modify the order with the court. Along with the petition, the
1304 department shall file a child support guideline worksheet, any
1305 financial affidavits or written declarations, pursuant to s.
1306 61.30(15), received from the parties or completed by the
1307 department as part of the support order review a proposed
1308 modified order that includes findings as to the source and
1309 amount of income, and a notice that informs the parties of the
1310 requirement to file an objection or a request for hearing with
1311 the court if the party wants a court hearing on the petition to
1312 modify. A copy of the petition, proposed order, and other
1313 documents shall be served by regular mail on a party who
1314 requested support order review. A party who did not request the
1315 support order review shall be served personally in any manner
1316 authorized under chapter 48.

1317 (c) To obtain a court hearing on a petition to modify, a
1318 party who is served by regular mail must file an objection to
1319 the proposed order or a request for hearing with the court
1320 within 30 days after the date on which the petition, proposed

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1321 order, and other documents were mailed. If a party is served
1322 personally, to obtain a court hearing on a petition to modify
1323 the party must file an objection to the proposed order or a
1324 request for hearing with the court within 30 days after the date
1325 of receipt of the petition, proposed order, and other documents.

1326 (d) If a timely objection or request for hearing is not
1327 filed with the court, the court may modify the support order
1328 without a hearing in accordance with the terms of the proposed
1329 order.

1330 (e) If a support order does not provide for payment of
1331 noncovered medical expenses or require health insurance for the
1332 minor child and health insurance is accessible to the child and
1333 available at a reasonable cost, the department shall seek to
1334 have the order modified and any modification shall be made
1335 without a requirement for proof or showing of a change in
1336 circumstances.

1337 Section 12. Subsection (5) of section 409.2567, Florida
1338 Statutes, is amended to read:

1339 409.2567 Services to individuals not otherwise eligible.—

1340 (5) The Department of Revenue ~~may~~ shall seek a waiver from
1341 the Secretary of the United States Department of Health and
1342 Human Services to authorize the Department of Revenue to provide
1343 services in accordance with Title IV-D of the Social Security
1344 Act to individuals who are owed support without need of an
1345 application. The department may seek a waiver if it determines
1346 that the estimated increase in federal funding to the state
1347 would exceed any additional cost to the state if the waiver is
1348 granted. If the waiver is granted, the Department of Revenue

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1349 shall adopt rules to implement the waiver and begin providing
1350 Title IV-D services if support payments are not being paid as
1351 ordered, except that the individual first must be given written
1352 notice of the right to refuse Title IV-D services and a
1353 reasonable opportunity to respond.

1354 Section 13. Subsection (3) of section 409.259, Florida
1355 Statutes, is amended to read:

1356 409.259 Filing fees in Title IV-D cases; electronic filing
1357 of pleadings, returns of service, and other papers.-

1358 (3) The clerks of the circuit court, chief judges through
1359 the Office of the State Courts Administrator, sheriffs, Office
1360 of the Attorney General, and Department of Revenue shall work
1361 cooperatively to implement electronic filing of pleadings,
1362 returns of service, and other papers with the clerks of the
1363 circuit court in Title IV-D cases upon completion of the
1364 department's Child Support Automated Management System II by
1365 October 1, 2009.

1366 Section 14. Paragraph (a) of subsection (20) of section
1367 409.910, Florida Statutes, is amended to read:

1368 409.910 Responsibility for payments on behalf of Medicaid-
1369 eligible persons when other parties are liable.-

1370 (20) Entities providing health insurance as defined in s.
1371 624.603, health maintenance organizations and prepaid health
1372 clinics as defined in chapter 641, and, on behalf of their
1373 clients, third-party administrators and pharmacy benefits
1374 managers as defined in s. 409.901(27) shall provide such records
1375 and information as are necessary to accomplish the purpose of

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1376 this section, unless such requirement results in an unreasonable
1377 burden.

1378 (a) The director of the agency and the Director of the
1379 Office of Insurance Regulation of the Financial Services
1380 Commission shall enter into a cooperative agreement for
1381 requesting and obtaining information necessary to effect the
1382 purpose and objective of this section.

1383 1. The agency shall request only that information
1384 necessary to determine whether health insurance as defined
1385 pursuant to s. 624.603, or those health services provided
1386 pursuant to chapter 641, could be, should be, or have been
1387 claimed and paid with respect to items of medical care and
1388 services furnished to any person eligible for services under
1389 this section.

1390 2. All information obtained pursuant to subparagraph 1. is
1391 confidential and exempt from s. 119.07(1). The agency shall
1392 provide the information obtained pursuant to subparagraph 1. to
1393 the Department of Revenue for purposes of administering the
1394 Title IV-D program. The agency and the department shall enter
1395 into a cooperative agreement for purposes of implementing this
1396 requirement.

1397 3. The cooperative agreement or rules adopted under this
1398 subsection may include financial arrangements to reimburse the
1399 reporting entities for reasonable costs or a portion thereof
1400 incurred in furnishing the requested information. Neither the
1401 cooperative agreement nor the rules shall require the automation
1402 of manual processes to provide the requested information.

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1403 Section 15. Subsection (7) of section 414.095, Florida
1404 Statutes, is amended to read:

1405 414.095 Determining eligibility for temporary cash
1406 assistance.--

1407 (7) ASSIGNMENT OF RIGHTS TO SUPPORT.--As a condition of
1408 receiving temporary cash assistance, the family must assign to
1409 the Department of Revenue any rights a member of a family may
1410 have to support from any other person. This applies to any
1411 family member; however, the assigned amounts must not exceed the
1412 total amount of temporary cash assistance provided to the
1413 family. The assignment of support does not apply if the family
1414 leaves the program.

1415 Section 16. Subsection (1) of section 741.01, Florida
1416 Statutes, is amended to read:

1417 741.01 County court judge or clerk of the circuit court to
1418 issue marriage license; fee.--

1419 (1) Every marriage license shall be issued by a county
1420 court judge or clerk of the circuit court under his or her hand
1421 and seal. The county court judge or clerk of the circuit court
1422 shall issue such license, upon application for the license, if
1423 there appears to be no impediment to the marriage. An
1424 application for a marriage license must allow both parties to
1425 the marriage to state under oath and in writing if they are the
1426 parents of a child born in the state and to identify any such
1427 child they have in common by name, date of birth, place of
1428 birth, and, if available, birth certificate number. The name of
1429 any child recorded by both parties must be transmitted to the
1430 Department of Health with the original marriage license and

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1431 endorsements. The county court judge or clerk of the circuit
1432 court shall collect and receive a fee of \$2 for receiving the
1433 application for the issuance of a marriage license.

1434 Section 17. Effective November 1, 2010, for purposes of
1435 incorporating the amendment made to this act to section
1436 409.2564, Florida Statutes, in a reference thereto, paragraph
1437 (c) of subsection (1) of section 61.14, Florida Statutes, is
1438 reenacted to read:

1439 61.14 Enforcement and modification of support, maintenance,
1440 or alimony agreements or orders.-

1441 (1)

1442 (c) For each support order reviewed by the department as
1443 required by s. 409.2564(11), if the amount of the child support
1444 award under the order differs by at least 10 percent but not
45 less than \$25 from the amount that would be awarded under s.
1446 61.30, the department shall seek to have the order modified and
1447 any modification shall be made without a requirement for proof
1448 or showing of a change in circumstances.

1449 Section 18. Effective November 1, 2010, for purposes of
1450 incorporating the amendment made to this act to section
1451 409.2564, Florida Statutes, in a reference thereto, paragraph
1452 (c) of subsection (1) of section 61.30, Florida Statutes, is
1453 reenacted to read:

1454 61.30 Child support guidelines; retroactive child support.-

1455 (1)

1456 (c) For each support order reviewed by the department as
1457 required by s. 409.2564(11), if the amount of the child support
1458 award under the order differs by at least 10 percent but not

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1459 | less than \$25 from the amount that would be awarded under s.
1460 | 61.30, the department shall seek to have the order modified and
1461 | any modification shall be made without a requirement for proof
1462 | or showing of a change in circumstances.

1463 | Section 19. Except as otherwise expressly provided in this
1464 | act, this act shall take effect upon becoming a law.

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1467 | **T I T L E A M E N D M E N T**

1468 | Remove lines 2-72 and insert:

1469 | An act relating to child support enforcement; amending s. 61.13,
1470 | F.S.; deleting a reference to health insurance with respect to a
1471 | proceeding to determine each parent's share of a child's
1472 | medical-support-only obligation; providing the procedure for
1473 | child support payments to be paid through the depository;
1474 | clarifying that income deduction payments are required to be
1475 | paid to the State Disbursement Unit; amending s. 61.30, F.S.;
1476 | authorizing the Department of Revenue to provide documentation
1477 | of the income of a parent receiving public assistance to the
1478 | court under certain circumstances; amending s. 382.013;
1479 | authorizing paternity determination based on final judgment of
1480 | dissolution of marriage requiring former husband to pay child
1481 | support; authorizing Department of Health to amend a birth
1482 | certificate to reflect marital status if the mother and father
1483 | marry after birth of the child; amending s. 382.015, F.S.;
1484 | authorizing the Office of Vital Statistics to amend a birth
1485 | certificate to include the name of the legal father when a final
1486 | judgment of dissolution of marriage requires the former husband

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1487 to pay support for the child; amending s. 382.016, F.S.;

1488 authorizing the Office of Vital Statistics to amend a child's

1489 birth certificate to include the name of the legal father upon

1490 receipt of a marriage license that identifies the registrant;

1491 amending s. 409.2558, F.S.; creating additional priorities for

1492 processing undistributable collections; authorizing the

1493 Department of Revenue to retain uncashed checks or closed Title

1494 IV-D case balances of child support collections under \$1;

1495 amending s. 409.256, F.S.; revising the definitions of the terms

1496 "custodian" and "putative father"; permitting a person ordered

1497 to appear for genetic testing to contest the order by filing a

1498 written request for informal discussion within a specified time

1499 period; amending s. 409.2563, F.S.; revising the definition of

1500 the term "caretaker relative"; conforming terminology;

J1 conforming a reference; amending s. 409.25635, F.S.; authorizing

1502 the Department of Revenue to collect noncovered medical expenses

1503 in installments by issuing an income deduction notice; amending

1504 s. 409.2564, F.S.; deleting the requirement for reducing the

1505 child support guideline amount for retroactive support by 25

1506 percent; providing a process for court hearings relating to

1507 support order reviews; requiring the department, rather than the

1508 Title IV-D agency, to review and take certain actions with

1509 respect to child support orders; providing for modification of a

1510 child support order; requiring the department to file a petition

1511 to modify the order and specified financial documentation under

1512 certain circumstances; providing procedures for a party to

1513 obtain a court hearing; amending s. 409.2567, F.S.; authorizing

1514 the Department of Revenue to seek a waiver from certain

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1515 application requirements from the United States Department of
1516 Health and Human Services under certain conditions; amending s.
1517 409.259, F.S.; extending the deadline for implementing
1518 electronic filing in Title IV-D cases to coincide with
1519 completion of the department's Child Support Automated
1520 Management System II; amending s. 409.910, F.S.; authorizing the
1521 Agency for Health Care Administration to provide health
1522 insurance information to the Department of Revenue for
1523 administering the Title IV-D program; requiring the agency and
1524 the department to enter into a cooperative agreement to
1525 implement the requirement; amending s. 414.095, F.S.; requiring
1526 a family to assign rights to receive certain financial support
1527 to the Department of Revenue, rather than the Department of
1528 Children and Family Services, as a condition of receiving
1529 temporary cash assistance; amending s. 741.01, F.S.; providing
1530 that an application for a marriage license must allow both
1531 parties to the marriage to state under oath and in writing if
1532 they are the parents of any child born in the state and to
1533 identify any child they have in common; requiring the name of
1534 any child recorded by both parties to be transmitted to the
1535 Department of Health; reenacting ss. 61.14(1)(c) and
1536 61.30(1)(c), F.S., relating to the enforcement and modification
1537 of support, maintenance, or alimony agreements or orders and the
1538 child support guidelines, respectively, to incorporate the
1539 amendments made to s. 409.2564, F.S., in references thereto;
1540 providing effective dates.