

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

STATE OF FLORIDA,
DEPARTMENT OF REVENUE,
on behalf of MARIA MURILLO,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

Appellant,

CASE NO. 1D16-4435

v.

SAUL MURILLO,

Appellee.

Opinion filed May 16, 2017.

An appeal from an order of the Division of Administrative Hearings.

Pamela Jo Bondi, Attorney General, and Toni C. Bernstein, Assistant Attorney
General, Tallahassee, for Appellant.

No appearance for Appellee.

PER CURIAM.

In this appeal, the Department of Revenue argues that the Administrative Law
Judge erred by concluding that the Division of Administrative Hearings (DOAH)
lacked subject-matter jurisdiction to establish Appellee's child support obligation

because a dissolution action addressing child support was pending between the parents in circuit court. The Department is correct. Because there was no court order of support in effect, and Appellee had not timely opted out of the administrative proceeding, DOAH had concurrent jurisdiction to establish Appellee's child support obligation and a support order should have been entered. See § 409.2563(2)(a), (c), Fla. Stat. (2016); Fla. Dep't of Revenue v. Van Edwards, 42 Fla. L. Weekly D873a (Fla. 1st DCA Apr. 13, 2017); Dep't of Revenue v. Graczyk, 206 So. 3d 157, 161 (Fla. 1st DCA 2016). Accordingly, we REVERSE and REMAND for further proceedings.

WOLF, RAY, and BILBREY, JJ., CONCUR.