

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

DEPARTMENT OF REVENUE  
obo JENNIFER GRAHAM,

Petitioner,

v.

ANTHONY Q. LOCKHART,

Respondent.

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

CASE NO. 1D11-4581

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Opinion filed December 15, 2011.

Petition for Writ of Certiorari – Original Jurisdiction.

Pamela Jo Bondi, Attorney General, and Toni C. Bernstein, Senior Assistant  
Attorney General, Child Support Enforcement, Tallahassee, for Petitioner.

Anthony Q. Lockhart, pro se, Respondent.

PER CURIAM.

The Department of Revenue seeks certiorari review of an order compelling genetic testing and argues that the administrative law judge departed from the essential requirements of law in ordering the testing. As the Department correctly

contends, the administrative law judge lacked jurisdiction to order the testing in this child support proceeding brought pursuant to section 409.2563, Florida Statutes. See § 409.2563(2)(b), Fla. Stat. (providing in part that the administrative procedure set forth in the section concerns only the establishment of child support obligations and does not grant jurisdiction to the Department or the Division of Administrative Hearings to hear or determine issues of disputed paternity); see also Dep't of Revenue ex rel. Clausen v. McDonald, 46 So. 3d 1193, 1193-94 (Fla. 1st DCA 2010); Dep't of Revenue v. Long, 937 So. 2d 1235, 1236 (Fla. 1st DCA 2006).

Accordingly, we GRANT the petition for writ of certiorari and QUASH the order compelling genetic testing.

BENTON, C.J., DAVIS and MARSTILLER, JJ., CONCUR.