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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to child support and parenting time plans; amending s. 409.2551, F.S.; providing legislative intent to encourage frequent contact between a child and each parent; amending s. 409.2554, F.S.; defining terms; amending s. 409.2557, F.S.; authorizing the Department of Revenue to establish parenting time plans agreed to by both parents in Title IV-D child support actions; amending s. 409.2563, F.S.; requiring the department to mail a Title IV-D Standard Parenting Time Plan with proposed administrative support orders; providing requirements for including parenting time plans in certain administrative orders; creating s. 409.25633, F.S.; providing the purpose and requirements for a Title IV-D Standard Parenting Time Plan; requiring the department to refer parents who do not agree on a parenting time plan to a circuit court; requiring the department to create and provide a form for a petition to establish a parenting time plan under certain circumstances; specifying that the parents are not required to pay a fee to file the petition; authorizing the department to adopt rules; amending s. 409.2564, F.S.; authorizing the department to incorporate either a signed, agreed-upon parenting time plan or a signed Title IV-D Standard Parenting Time Plan in a child support order; amending ss.



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28 409.256 and 409.2572, F.S.; conforming cross-
29 references; requiring the department to submit a
30 report to the Governor and Legislature by a specified
31 date; specifying requirements for the report;
32 providing an appropriation; providing an effective
33 date.

34

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

36

37 Section 1. Section 409.2551, Florida Statutes, is amended
38 to read:

39 409.2551 Legislative intent.—Common-law and statutory
40 procedures governing the remedies for enforcement of support for
41 financially dependent children by persons responsible for their
42 support have not proven sufficiently effective or efficient to
43 cope with the increasing incidence of financial dependency. The
44 increasing workload of courts, prosecuting attorneys, and the
45 Attorney General has resulted in a growing burden on the
46 financial resources of the state, which is constrained to
47 provide public assistance for basic maintenance requirements
48 when parents fail to meet their primary obligations. The state,
49 therefore, exercising its police and sovereign powers, declares
50 that the common-law and statutory remedies pertaining to family
51 desertion and nonsupport of dependent children shall be
52 augmented by additional remedies directed to the resources of
53 the responsible parents. In order to render resources more
54 immediately available to meet the needs of dependent children,
55 it is the legislative intent that the remedies provided herein
56 are in addition to, and not in lieu of, existing remedies. It is



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57 declared to be the public policy of this state that this act be
58 construed and administered to the end that children shall be
59 maintained from the resources of their parents, thereby
60 relieving, at least in part, the burden presently borne by the
61 general citizenry through public assistance programs. It is also
62 the public policy of this state to encourage frequent contact
63 between a child and each parent to optimize the development of a
64 close and continuing relationship between each parent and the
65 child.

66 Section 2. Section 409.2554, Florida Statutes, is reordered
67 and amended to read:

68 409.2554 Definitions; ss. 409.2551-409.2598.—As used in ss.
69 409.2551-409.2598, the term:

70 (5)~~(1)~~ "Department" means the Department of Revenue.

71 (6)~~(2)~~ "Dependent child" means any unemancipated person
72 under the age of 18, any person under the age of 21 and still in
73 school, or any person who is mentally or physically
74 incapacitated when such incapacity began before ~~prior to~~ such
75 person reaching the age of 18. This definition may ~~shall~~ not be
76 construed to impose an obligation for child support beyond the
77 child's attainment of majority except as imposed in s. 409.2561.

78 (3) "Court" means the circuit court.

79 (4) "Court order" means any judgment or order of any court
80 of appropriate jurisdiction of the state, or an order of a court
81 of competent jurisdiction of another state, ordering payment of
82 a set or determinable amount of support money.

83 (7)~~(5)~~ "Health insurance" means coverage under a fee-for-
84 service arrangement, health maintenance organization, or
85 preferred provider organization, and other types of coverage



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86 available to either parent, under which medical services could
87 be provided to a dependent child.

88 (8)~~(6)~~ "Obligee" means the person to whom support payments
89 are made pursuant to an alimony or child support order.

90 (9)~~(7)~~ "Obligor" means a person who is responsible for
91 making support payments pursuant to an alimony or child support
92 order.

93 (12)~~(8)~~ "Public assistance" means money assistance paid on
94 the basis of Title IV-E and Title XIX of the Social Security
95 Act, temporary cash assistance, or food assistance benefits
96 received on behalf of a child under 18 years of age who has an
97 absent parent.

98 (10)~~(9)~~ "Program attorney" means an attorney employed by
99 the department, under contract with the department, or employed
100 by a contractor of the department, to provide legal
101 representation for the department in a proceeding related to the
102 determination of paternity or the establishment, modification,
103 or enforcement of support brought pursuant to law.

104 (11)~~(10)~~ "Prosecuting attorney" means any private attorney,
105 county attorney, city attorney, state attorney, program
106 attorney, or an attorney employed by an entity of a local
107 political subdivision who engages in legal action related to the
108 determination of paternity or the establishment, modification,
109 or enforcement of support brought pursuant to this act.

110 (13) "State Case Registry" means the automated registry
111 maintained by the Title IV-D agency, containing records of each
112 Title IV-D case and of each support order established or
113 modified in the state on or after October 1, 1998. Such records
114 must consist of data elements as required by the United States



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115 Secretary of Health and Human Services.

116 (14) "State Disbursement Unit" means the unit established
117 and operated by the Title IV-D agency to provide one central
118 address for collection and disbursement of child support
119 payments made in cases enforced by the department pursuant to
120 Title IV-D of the Social Security Act and in cases not being
121 enforced by the department in which the support order was
122 initially issued in this state on or after January 1, 1994, and
123 in which the obligor's child support obligation is being paid
124 through income deduction order.

125 (16) "Title IV-D Standard Parenting Time Plan" means a
126 document that may be agreed to by the parents to govern the
127 relationship between the parents and to provide the parent who
128 owes support a reasonable minimum amount of time with his or her
129 child. The plan set forth in s. 409.25633 includes timetables
130 that specify the time, including overnights and holidays, that a
131 child may spend with each parent.

132 (15) ~~(11)~~ "Support," unless otherwise specified, means:

133 (a) Child support, and, when the child support obligation
134 is being enforced by the Department of Revenue, spousal support
135 or alimony for the spouse or former spouse of the obligor with
136 whom the child is living.

137 (b) Child support only in cases not being enforced by the
138 Department of Revenue.

139 (1) ~~(12)~~ "Administrative costs" means any costs, including
140 attorney ~~attorney's~~ fees, clerk's filing fees, recording fees
141 and other expenses incurred by the clerk of the circuit court,
142 service of process fees, or mediation costs, incurred by the
143 Title IV-D agency in its effort to administer the Title IV-D



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144 program. The administrative costs that ~~which~~ must be collected
145 by the department shall be assessed on a case-by-case basis
146 based upon a method for determining costs approved by the
147 Federal Government. The administrative costs shall be assessed
148 periodically by the department. The methodology for determining
149 administrative costs shall be made available to the judge or any
150 party who requests it. Only those amounts ordered independent of
151 current support, arrears, or past public assistance obligation
152 shall be considered and applied toward administrative costs.

153 (2) ~~(13)~~ "Child support services" includes any civil,
154 criminal, or administrative action taken by the Title IV-D
155 program to determine paternity, establish, modify, enforce, or
156 collect support.

157 (17) ~~(14)~~ "Undistributable collection" means a support
158 payment received by the department which the department
159 determines cannot be distributed to the final intended
160 recipient.

161 (18) ~~(15)~~ "Unidentifiable collection" means a payment
162 received by the department for which a parent, depository or
163 circuit civil numbers, or source of the payment cannot be
164 identified.

165 Section 3. Subsection (2) of section 409.2557, Florida
166 Statutes, is amended to read:

167 409.2557 State agency for administering child support
168 enforcement program.—

169 (2) The department in its capacity as the state Title IV-D
170 agency has ~~shall have~~ the authority to take actions necessary to
171 carry out the public policy of ensuring that children are
172 maintained from the resources of their parents to the extent



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173 possible. The department's authority includes ~~shall include~~, but
174 is not ~~be~~ limited to, the establishment of paternity or support
175 obligations, the establishment of a Title IV-D Standard
176 Parenting Time Plan or any other parenting time plan agreed to
177 and signed by the parents, and ~~as well as~~ the modification,
178 enforcement, and collection of support obligations.

179 Section 4. Subsections (2), (4), (5), and (7) of section
180 409.2563, Florida Statutes, are amended to read:

181 409.2563 Administrative establishment of child support
182 obligations.-

183 (2) PURPOSE AND SCOPE.-

184 (a) It is not the Legislature's intent to limit the
185 jurisdiction of the circuit courts to hear and determine issues
186 regarding child support or parenting time. This section is
187 intended to provide the department with an alternative procedure
188 for establishing child support obligations and establishing a
189 parenting time plan only if the parents are in agreement, in
190 Title IV-D cases in a fair and expeditious manner when there is
191 no court order of support. The procedures in this section are
192 effective throughout the state and shall be implemented
193 statewide.

194 (b) If the parents do not have an existing time-sharing
195 schedule or parenting time plan and do not agree to a parenting
196 time plan, a plan may not be included in the initial
197 administrative order and the order must include a statement
198 explaining its absence.

199 (c) If the parents have a judicially established parenting
200 time plan, the plan may not be included in the administrative or
201 initial judicial order.



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202 (d) Any notification provided by the department may not
203 include a Title IV-D Standard Parenting Time Plan if Florida is
204 not the child's home state, when one parent does not reside in
205 Florida, if either parent has requested nondisclosure for fear
206 of harm from the other parent, or when the parent who owes
207 support is incarcerated.

208 (e) ~~(b)~~ The administrative procedure set forth in this
209 section concerns only the establishment of child support
210 obligations and, if agreed to and signed by both parents, a
211 parenting time plan or Title IV-D Standard Parenting Time Plan.
212 This section does not grant jurisdiction to the department or
213 the Division of Administrative Hearings to hear or determine
214 issues of dissolution of marriage, separation, alimony or
215 spousal support, termination of parental rights, dependency,
216 disputed paternity, except for a determination of paternity as
217 provided in s. 409.256, ~~or award of~~ or change of time-sharing.
218 If both parents have agreed to and signed a parenting time plan
219 before the establishment of the administrative support order,
220 the department or the Division of Administrative Hearings shall
221 incorporate the agreed-upon parenting time plan into the
222 administrative support order. This paragraph notwithstanding,
223 the department and the Division of Administrative Hearings may
224 make findings of fact that are necessary for a proper
225 determination of a parent's support obligation as authorized by
226 this section.

227 (f) ~~(e)~~ If there is no support order for a child in a Title
228 IV-D case whose paternity has been established or is presumed by
229 law, or whose paternity is the subject of a proceeding under s.
230 409.256, the department may establish a parent's child support



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231 obligation pursuant to this section, s. 61.30, and other
232 relevant provisions of state law. The administrative support
233 order must include a parenting time plan or Title IV-D Standard
234 Parenting Time Plan as agreed to and signed by both parents. The
235 parent's obligation determined by the department may include any
236 obligation to pay retroactive support and any obligation to
237 provide for health care for a child, whether through insurance
238 coverage, reimbursement of expenses, or both. The department may
239 proceed on behalf of:

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

249 (g) ~~(d)~~ Either parent, or a caregiver if applicable, may at
250 any time file a civil action in a circuit court having
251 jurisdiction and proper venue to determine parental support
252 obligations, if any. A support order issued by a circuit court
253 prospectively supersedes an administrative support order
254 rendered by the department.

255 (h) ~~(e)~~ Pursuant to paragraph (e) ~~(b)~~, neither the
256 department nor the Division of Administrative Hearings has
257 jurisdiction to ~~award or~~ change child custody or rights of
258 parental contact. The department or the Division of
259 Administrative Hearings shall incorporate a parenting time plan



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260 or Title IV-D Standard Parenting Time Plan as agreed to and
261 signed by both parents into the administrative support order.
262 Either parent may at any time file a civil action in a circuit
263 having jurisdiction and proper venue for a determination of
264 child custody and rights of parental contact.

265 (i)~~(f)~~ The department shall terminate the administrative
266 proceeding and file an action in circuit court to determine
267 support if within 20 days after receipt of the initial notice
268 the parent from whom support is being sought requests in writing
269 that the department proceed in circuit court or states in
270 writing his or her intention to address issues concerning time-
271 sharing or rights to parental contact in court and if within 10
272 days after receipt of the department's petition and waiver of
273 service the parent from whom support is being sought signs and
274 returns the waiver of service form to the department.

275 (j)~~(g)~~ The notices and orders issued by the department
276 under this section shall be written clearly and plainly.

277 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
278 SUPPORT ORDER.—To commence a proceeding under this section, the
279 department shall provide to the parent from whom support is not
280 being sought and serve the parent from whom support is being
281 sought with a notice of proceeding to establish administrative
282 support order, a copy of the Title IV-D Standard Parenting Time
283 Plan, and a blank financial affidavit form. The notice must
284 state:

285 (a) The names of both parents, the name of the caregiver,
286 if any, and the name and date of birth of the child or children;

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



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289 (c) That the department will incorporate a parenting time
290 plan or Title IV-D Standard Parenting Time Plan, as agreed to
291 and signed by both parents, into the administrative support
292 order;

293 ~~(d)(e)~~ That both parents must submit a completed financial
294 affidavit to the department within 20 days after receiving the
295 notice, as provided by paragraph (13) (a);

296 ~~(e)(d)~~ That both parents, or parent and caregiver if
297 applicable, are required to furnish to the department
298 information regarding their identities and locations, as
299 provided by paragraph (13) (b);

300 ~~(f)(e)~~ That both parents, or parent and caregiver if
301 applicable, are required to promptly notify the department of
302 any change in their mailing addresses to ensure receipt of all
303 subsequent pleadings, notices, and orders, as provided by
304 paragraph (13) (c);

305 ~~(g)(f)~~ That the department will calculate support
306 obligations based on the child support guidelines schedule in s.
307 61.30 and using all available information, as provided by
308 paragraph (5) (a), and will incorporate such obligations into a
309 proposed administrative support order;

310 ~~(h)(g)~~ That the department will send by regular mail to
311 both parents, or parent and caregiver if applicable, a copy of
312 the proposed administrative support order, the department's
313 child support worksheet, and any financial affidavits submitted
314 by a parent or prepared by the department;

315 ~~(i)(h)~~ That the parent from whom support is being sought
316 may file a request for a hearing in writing within 20 days after
317 the date of mailing or other service of the proposed



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318 administrative support order or will be deemed to have waived
319 the right to request a hearing;

320 (j)~~(i)~~ That if the parent from whom support is being sought
321 does not file a timely request for hearing after service of the
322 proposed administrative support order, the department will issue
323 an administrative support order that incorporates the findings
324 of the proposed administrative support order, and any agreed-
325 upon parenting time plan. The department will send by regular
326 mail a copy of the administrative support order and any
327 incorporated parenting time plan to both parents, or parent and
328 caregiver if applicable;

329 (k)~~(j)~~ That after an administrative support order is
330 rendered incorporating any agreed-upon parenting time plan, the
331 department will file a copy of the order with the clerk of the
332 circuit court;

333 (l)~~(k)~~ That after an administrative support order is
334 rendered, the department may enforce the administrative support
335 order by any lawful means. The department does not have
336 jurisdiction to enforce any parenting time plan that is
337 incorporated into an administrative support order;

338 (m)~~(l)~~ That either parent, or caregiver if applicable, may
339 file at any time a civil action in a circuit court having
340 jurisdiction and proper venue to determine parental support
341 obligations, if any, and that a support order issued by a
342 circuit court supersedes an administrative support order
343 rendered by the department;

344 (n)~~(m)~~ That neither the department nor the Division of
345 Administrative Hearings has jurisdiction to ~~award or~~ change
346 child custody or rights of parental contact or time-sharing, and



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347 these issues may be addressed only in circuit court. The
348 department or the Division of Administrative Hearings may
349 incorporate, if agreed to and signed by both parents, a
350 parenting time plan or Title IV-D Standard Parenting Time Plan
351 when the administrative support order is established.

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

355 2. The parent from whom support is being sought may state
356 in writing to the department his or her intention to address
357 issues concerning custody or rights to parental contact in
358 circuit court.

359 3. If the parent from whom support is being sought submits
360 the request authorized in subparagraph 1., or the statement
361 authorized in subparagraph 2. to the department within 20 days
362 after the receipt of the initial notice, the department shall
363 file a petition in circuit court for the determination of the
364 parent's child support obligations, and shall send to the parent
365 from whom support is being sought a copy of its petition, a
366 notice of commencement of action, and a request for waiver of
367 service of process as provided in the Florida Rules of Civil
368 Procedure.

369 4. If, within 10 days after receipt of the department's
370 petition and waiver of service, the parent from whom support is
371 being sought signs and returns the waiver of service form to the
372 department, the department shall terminate the administrative
373 proceeding without prejudice and proceed in circuit court.

374 5. In any circuit court action filed by the department
375 pursuant to this paragraph or filed by a parent from whom



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376 support is being sought or other person pursuant to paragraph
377 (m) ~~(l)~~ or paragraph (o) ~~(n)~~, the department shall be a party
378 only with respect to those issues of support allowed and
379 reimbursable under Title IV-D of the Social Security Act. It is
380 the responsibility of the parent from whom support is being
381 sought or other person to take the necessary steps to present
382 other issues for the court to consider;~~;~~

383 (o) ~~(n)~~ That if the parent from whom support is being sought
384 files an action in circuit court and serves the department with
385 a copy of the petition within 20 days after being served notice
386 under this subsection, the administrative process ends without
387 prejudice and the action must proceed in circuit court; and

388 (p) ~~(e)~~ Information provided by the Office of State Courts
389 Administrator concerning the availability and location of self-
390 help programs for those who wish to file an action in circuit
391 court but who cannot afford an attorney.

392
393 The department may serve the notice of proceeding to establish
394 an administrative support order and agreed-upon parenting time
395 plan or Title IV-D Standard Parenting Time Plan by certified
396 mail, restricted delivery, return receipt requested.
397 Alternatively, the department may serve the notice by any means
398 permitted for service of process in a civil action. For purposes
399 of this section, an authorized employee of the department may
400 serve the notice and execute an affidavit of service. Service by
401 certified mail is completed when the certified mail is received
402 or refused by the addressee or by an authorized agent as
403 designated by the addressee in writing. If a person other than
404 the addressee signs the return receipt, the department shall



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405 attempt to reach the addressee by telephone to confirm whether
406 the notice was received, and the department shall document any
407 telephonic communications. If someone other than the addressee
408 signs the return receipt, the addressee does not respond to the
409 notice, and the department is unable to confirm that the
410 addressee has received the notice, service is not completed and
411 the department shall attempt to have the addressee served
412 personally. The department shall provide the parent from whom
413 support is not being sought or the caregiver with a copy of the
414 notice by regular mail to the last known address of the parent
415 from whom support is not being sought or caregiver.

416 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.-

417 (a) After serving notice upon a parent in accordance with
418 subsection (4), the department shall calculate that parent's
419 child support obligation under the child support guidelines
420 schedule as provided by s. 61.30, based on any timely financial
421 affidavits received and other information available to the
422 department. If either parent fails to comply with the
423 requirement to furnish a financial affidavit, the department may
424 proceed on the basis of information available from any source,
425 if such information is sufficiently reliable and detailed to
426 allow calculation of guideline schedule amounts under s. 61.30.
427 If a parent receives public assistance and fails to submit a
428 financial affidavit, the department may submit a financial
429 affidavit or written declaration for that parent pursuant to s.
430 61.30(15). If there is a lack of sufficient reliable information
431 concerning a parent's actual earnings for a current or past
432 period, it shall be presumed for the purpose of establishing a
433 support obligation that the parent had an earning capacity equal



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434 to the federal minimum wage during the applicable period.

435 (b) The department shall send by regular mail to both
436 parents, or to a parent and caregiver if applicable, copies of
437 the proposed administrative support order, a copy of the Title
438 IV-D Standard Parenting Time Plan, its completed child support
439 worksheet, and any financial affidavits submitted by a parent or
440 prepared by the department. The proposed administrative support
441 order must contain the same elements as required for an
442 administrative support order under paragraph (7) (e).

443 (c) The department shall provide a notice of rights with
444 the proposed administrative support order, which notice must
445 inform the parent from whom support is being sought that:

446 1. The parent from whom support is being sought may, within
447 20 days after the date of mailing or other service of the
448 proposed administrative support order, request a hearing by
449 filing a written request for hearing in a form and manner
450 specified by the department;

451 2. If the parent from whom support is being sought files a
452 timely request for a hearing, the case shall be transferred to
453 the Division of Administrative Hearings, which shall conduct
454 further proceedings and may enter an administrative support
455 order;

456 3. A parent from whom support is being sought who fails to
457 file a timely request for a hearing shall be deemed to have
458 waived the right to a hearing, and the department may render an
459 administrative support order pursuant to paragraph (7) (b);

460 4. The parent from whom support is being sought may consent
461 in writing to entry of an administrative support order without a
462 hearing;



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463 5. The parent from whom support is being sought may, within
464 10 days after the date of mailing or other service of the
465 proposed administrative support order, contact a department
466 representative, at the address or telephone number specified in
467 the notice, to informally discuss the proposed administrative
468 support order and, if informal discussions are requested timely,
469 the time for requesting a hearing will be extended until 10 days
470 after the department notifies the parent that the informal
471 discussions have been concluded; and

472 6. If an administrative support order that establishes a
473 parent's support obligation and incorporates either a parenting
474 time plan or Title IV-D Standard Parenting Time Plan agreed to
475 and signed by both parents is rendered, whether after a hearing
476 or without a hearing, the department may enforce the
477 administrative support order by any lawful means. The department
478 does not have the jurisdiction or authority to enforce a
479 parenting time plan.

480 (d) If, after serving the proposed administrative support
481 order but before a final administrative support order is
482 rendered, the department receives additional information that
483 makes it necessary to amend the proposed administrative support
484 order, it shall prepare an amended proposed administrative
485 support order, with accompanying amended child support
486 worksheets and other material necessary to explain the changes,
487 and follow the same procedures set forth in paragraphs (b) and
488 (c).

489 (7) ADMINISTRATIVE SUPPORT ORDER.—

490 (a) If a hearing is held, the administrative law judge of
491 the Division of Administrative Hearings shall issue an



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492 administrative support order that will include a parenting time
493 plan or Title IV-D Standard Parenting Time Plan agreed to and
494 signed by both parents, or a final order denying an
495 administrative support order, which constitutes final agency
496 action by the department. The Division of Administrative
497 Hearings shall transmit any such order to the department for
498 filing and rendering.

499 (b) If the parent from whom support is being sought does
500 not file a timely request for a hearing, the parent will be
501 deemed to have waived the right to request a hearing.

502 (c) If the parent from whom support is being sought waives
503 the right to a hearing, or consents in writing to the entry of
504 an order without a hearing, the department may render an
505 administrative support order that will include a parenting time
506 plan or Title IV-D Standard Parenting Time Plan agreed to and
507 signed by both parents.

508 (d) The department shall send by regular mail a copy of the
509 administrative support order that will include a parenting time
510 plan or Title IV-D Standard Parenting Time Plan agreed to and
511 signed by both parents, or the final order denying an
512 administrative support order, to both parents, or a parent and
513 caregiver if applicable. The parent from whom support is being
514 sought shall be notified of the right to seek judicial review of
515 the administrative support order in accordance with s. 120.68.

516 (e) An administrative support order must comply with ss.
517 61.13(1) and 61.30. The department shall develop a standard form
518 or forms for administrative support orders. An administrative
519 support order must provide and state findings, if applicable,
520 concerning:



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- 521 1. The full name and date of birth of the child or
522 children;
- 523 2. The name of the parent from whom support is being sought
524 and the other parent or caregiver;
- 525 3. The parent's duty and ability to provide support;
- 526 4. The amount of the parent's monthly support obligation;
- 527 5. Any obligation to pay retroactive support;
- 528 6. The parent's obligation to provide for the health care
529 needs of each child, whether through health insurance,
530 contribution toward the cost of health insurance, payment or
531 reimbursement of health care expenses for the child, or any
532 combination thereof;
- 533 7. The beginning date of any required monthly payments and
534 health insurance;
- 535 8. That all support payments ordered must be paid to the
536 ~~Florida~~ State Disbursement Unit as provided by s. 61.1824;
- 537 9. That the parents, or caregiver if applicable, must file
538 with the department when the administrative support order is
539 rendered, if they have not already done so, and update as
540 appropriate the information required pursuant to paragraph
541 (13) (b);
- 542 10. That both parents, or parent and caregiver if
543 applicable, are required to promptly notify the department of
544 any change in their mailing addresses pursuant to paragraph
545 (13) (c); and
- 546 11. That if the parent ordered to pay support receives
547 reemployment assistance or unemployment compensation benefits,
548 the payor shall withhold, and transmit to the department, 40
549 percent of the benefits for payment of support, not to exceed



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550 the amount owed.

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552 An income deduction order as provided by s. 61.1301 must be
553 incorporated into the administrative support order or, if not
554 incorporated into the administrative support order, the
555 department or the Division of Administrative Hearings shall
556 render a separate income deduction order.

557 Section 5. Section 409.25633, Florida Statutes, is created
558 to read:

559 409.25633 Title IV-D Standard Parenting Time Plans.—The
560 best interest of the child is the primary consideration of the
561 parenting plan and special consideration should be given to the
562 age and needs of each child. There is no presumption for or
563 against the father or mother of the child or for or against any
564 specific time-sharing schedule when a parenting time plan is
565 created.

566 (1) A Title IV-D Standard Parenting Time Plan shall be
567 presented to the parents in any administrative action taken by
568 the Title IV-D program to establish or modify child support or
569 to determine paternity. If the parents agree to the Title IV-D
570 Standard Parenting Time Plan or to another parenting time plan,
571 the plan must be signed by the parents and incorporated into the
572 administrative order. If the parents do not agree to a Title IV-
573 D Standard Parenting Time Plan or if an agreed-upon parenting
574 time plan is not included, the Department of Revenue must enter
575 an administrative support order and refer the parents to the
576 court of appropriate jurisdiction to establish a parenting time
577 plan. The department must note on the referral that an
578 administrative support order has been entered. If a parenting



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579 time plan is not included in the administrative support order
580 entered pursuant to s. 409.2563, the department must provide
581 information to the parents on the process to establish such a
582 plan.

583 (2) The parent who owes support is entitled to parenting
584 time with the child. If the parents do not have a signed,
585 agreed-upon parenting time plan, the following Title IV-D
586 Standard Parenting Time Plan must be incorporated into an
587 administrative support order if agreed to and signed by the
588 parents:

589 (a) Every other weekend.—The second and fourth full weekend
590 of the month from 6 p.m. on Friday through 6 p.m. on Sunday. The
591 weekends may begin upon the child's release from school on
592 Friday and end on Sunday at 6 p.m. or when the child returns to
593 school on Monday morning. The weekend time may be extended by
594 holidays that fall on Friday or Monday;

595 (b) One evening per week.—One weekday beginning at 6 p.m.
596 and ending at 8 p.m. or, if both parents agree, from when the
597 child is released from school until 8 p.m.;

598 (c) Thanksgiving break.—In even-numbered years, the
599 Thanksgiving break from 6 p.m. on the Wednesday before
600 Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.
601 If both parents agree, the Thanksgiving break parenting time may
602 begin upon the child's release from school and end upon the
603 child's return to school the following Monday;

604 (d) Winter break.—In odd-numbered years, the first half of
605 winter break, from the child's release from school, beginning at
606 6 p.m. or, if both parents agree, upon the child's release from
607 school, until noon on December 26. In even-numbered years, the



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608 second half of winter break from noon on December 26 until 6
609 p.m. on the day before school resumes or, if both parents agree,
610 upon the child's return to school;

611 (e) Spring break.—In even-numbered years, the week of
612 spring break from 6 p.m. the day the child is released from
613 school until 6 p.m. the night before school resumes. If both
614 parents agree, the spring break parenting time may begin upon
615 the child's release from school and end upon the child's return
616 to school the following Monday; and

617 (f) Summer break.—For 2 weeks in the summer beginning at 6
618 p.m. the first Sunday following the last day of school.

619 (3) In the event the parents have not agreed on a parenting
620 schedule at the time of the child support hearing, the
621 department shall enter an administrative support order and refer
622 the parents to a court of appropriate jurisdiction for the
623 establishment of a parenting time plan.

624 (4) The Title IV-D Standard Parenting Time Plan is not
625 intended for the use by, and may not be provided to, parents and
626 families with domestic or family violence concerns.

627 (5) If, after the incorporation of an agreed-upon parenting
628 time plan into an administrative support order, a parent becomes
629 concerned about the safety of the child during the child's time
630 with the other parent, a modification of the parenting time plan
631 may be sought through a court of appropriate jurisdiction.

632 (6) The department shall create and provide a form for a
633 petition to establish a parenting time plan for parents who have
634 not agreed on a parenting schedule at the time of the child
635 support hearing. The department shall provide the form to the
636 parents, but may not file the petition or represent either



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637 parent at the hearing.

638 (7) The parents may not be required to pay a fee to file
639 the petition to establish a parenting plan.

640 (8) The department may adopt rules to implement and
641 administer this section.

642 Section 6. Subsections (1) and (2) of section 409.2564,
643 Florida Statutes, are amended to read:

644 409.2564 Actions for support.—

645 (1) In each case in which regular support payments are not
646 being made as provided herein, the department shall institute,
647 within 30 days after determination of the obligor's reasonable
648 ability to pay, action as is necessary to secure the obligor's
649 payment of current support, ~~and~~ any arrearage that which may
650 have accrued under an existing order of support, and, if a
651 parenting time plan was not incorporated into the existing order
652 of support, include either a signed, agreed-upon parenting time
653 plan or a signed Title IV-D Standard Parenting Time Plan, if
654 appropriate. The department shall notify the program attorney in
655 the judicial circuit in which the recipient resides setting
656 forth the facts in the case, including the obligor's address, if
657 known, and the public assistance case number. Whenever
658 applicable, the procedures established under ~~the provisions of~~
659 chapter 88, Uniform Interstate Family Support Act, chapter 61,
660 Dissolution of Marriage; Support; Time-sharing, chapter 39,
661 Proceedings Relating to Children, chapter 984, Children and
662 Families in Need of Services, and chapter 985, Delinquency;
663 Interstate Compact on Juveniles, may govern actions instituted
664 under ~~the provisions of~~ this act, except that actions for
665 support under chapter 39, chapter 984, or chapter 985 brought



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666 pursuant to this act shall not require any additional
667 investigation or supervision by the department.

668 (2) The order for support entered pursuant to an action
669 instituted by the department under ~~the provisions of~~ subsection
670 (1) shall require that the support payments be made periodically
671 to the department through the depository. An order for support
672 entered under subsection (1) must include either a signed,
673 agreed-upon parenting time plan or a signed Title IV-D Standard
674 Parenting Time Plan, if appropriate. Upon receipt of a payment
675 made by the obligor pursuant to any order of the court, the
676 depository shall transmit the payment to the department within 2
677 working days, except those payments made by personal check which
678 shall be disbursed in accordance with s. 61.181. Upon request,
679 the depository shall furnish to the department a certified
680 statement of all payments made by the obligor. Such statement
681 shall be provided by the depository at no cost to the
682 department.

683 Section 7. Paragraph (g) of subsection (2) and paragraph
684 (a) of subsection (4) of section 409.256, Florida Statutes, are
685 amended to read:

686 409.256 Administrative proceeding to establish paternity or
687 paternity and child support; order to appear for genetic
688 testing.—

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

691 (g) Section 409.2563(2)(h), (i), and (j) ~~409.2563(2)(e),~~
692 ~~(f), and (g)~~ apply to a proceeding under this section.

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



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695 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue
696 shall commence a proceeding to determine paternity, or a
697 proceeding to determine both paternity and child support, by
698 serving the respondent with a notice as provided in this
699 section. An order to appear for genetic testing may be served at
700 the same time as a notice of the proceeding or may be served
701 separately. A copy of the affidavit or written declaration upon
702 which the proceeding is based shall be provided to the
703 respondent when notice is served. A notice or order to appear
704 for genetic testing shall be served by certified mail,
705 restricted delivery, return receipt requested, or in accordance
706 with the requirements for service of process in a civil action.
707 Service by certified mail is completed when the certified mail
708 is received or refused by the addressee or by an authorized
709 agent as designated by the addressee in writing. If a person
710 other than the addressee signs the return receipt, the
711 department shall attempt to reach the addressee by telephone to
712 confirm whether the notice was received, and the department
713 shall document any telephonic communications. If someone other
714 than the addressee signs the return receipt, the addressee does
715 not respond to the notice, and the department is unable to
716 confirm that the addressee has received the notice, service is
717 not completed and the department shall attempt to have the
718 addressee served personally. For purposes of this section, an
719 employee or an authorized agent of the department may serve the
720 notice or order to appear for genetic testing and execute an
721 affidavit of service. The department may serve an order to
722 appear for genetic testing on a caregiver. The department shall
723 provide a copy of the notice or order to appear by regular mail



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724 to the mother and caregiver, if they are not respondents.
725 (a) A notice of proceeding to establish paternity must
726 state:
727 1. That the department has commenced an administrative
728 proceeding to establish whether the putative father is the
729 biological father of the child named in the notice.
730 2. The name and date of birth of the child and the name of
731 the child's mother.
732 3. That the putative father has been named in an affidavit
733 or written declaration that states the putative father is or may
734 be the child's biological father.
735 4. That the respondent is required to submit to genetic
736 testing.
737 5. That genetic testing will establish either a high degree
738 of probability that the putative father is the biological father
739 of the child or that the putative father cannot be the
740 biological father of the child.
741 6. That if the results of the genetic test do not indicate
742 a statistical probability of paternity that equals or exceeds 99
743 percent, the paternity proceeding in connection with that child
744 shall cease unless a second or subsequent test is required.
745 7. That if the results of the genetic test indicate a
746 statistical probability of paternity that equals or exceeds 99
747 percent, the department may:
748 a. Issue a proposed order of paternity that the respondent
749 may consent to or contest at an administrative hearing; or
750 b. Commence a proceeding, as provided in s. 409.2563, to
751 establish an administrative support order for the child. Notice
752 of the proceeding shall be provided to the respondent by regular



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753 mail.

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

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

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

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

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



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782 and the action must proceed in circuit court.

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

786

787 A notice under this paragraph must also notify the respondent of
788 the provisions in s. 409.2563(4) (n) and (p) ~~s. 409.2563(4) (m)~~
789 ~~and (o)~~.

790 Section 8. Subsection (5) of section 409.2572, Florida
791 Statutes, is amended to read:

792 409.2572 Cooperation.—

793 (5) As used in this section only, the term "applicant for
794 or recipient of public assistance for a dependent child" refers
795 to such applicants and recipients of public assistance as
796 defined in s. 409.2554(12) ~~s. 409.2554(8)~~, with the exception of
797 applicants for or recipients of Medicaid solely for the benefit
798 of a dependent child.

799 Section 9. The Department of Revenue shall report to the
800 Governor, the President of the Senate, and the Speaker of the
801 House of Representatives by December 31, 2018, on the status of
802 the implementation of this act, including the number of
803 parenting plans entered with administrative support orders and
804 the number of parents referred to the circuit court to determine
805 a parenting plan. The report must include recommendations to
806 facilitate further implementation of this act.

807 Section 10. For the 2017-2018 fiscal year, the sums of
808 \$350,476 in recurring funds and \$690,650 in nonrecurring funds
809 are appropriated from the General Revenue Fund to the Department
810 of Revenue for the purpose of implementing this act.



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Section 11. This act shall take effect January 1, 2018.