

Committee on Children, Families, and Elder Affairs

HB 1087 — Child Support

by Rep. Caruso and others (CS/SB 536 by Children, Families, and Elder Affairs Committee and Senator Garcia)

The bill makes numerous changes to the Child Support Program, which is administered by the Department of Revenue (DOR), Florida's Title IV-D agency. As the state's Title IV-D agency, the DOR is responsible for collecting and enforcing child support. To receive services from the Child Support Program, families either complete an application for services, or are automatically referred because a parent is receiving cash or food assistance.

The bill makes the following changes to the Child Support Program:

- Amends the definition of 'depository' to clarify that the depository required by statute is established by the clerk of the circuit court;
- Expands the circumstances when a payment agreement with a deferred start date may be used to include when an obligor is making a good faith effort to participate in job training;
- Removes existing exceptions to the federal prohibition on treating involuntary incarceration as voluntary unemployment when establishing or modifying a support order;
- Authorizes the DOR to commence an administrative proceeding to determine paternity or paternity and child support based on an affidavit or written declaration completed by a nonparent caregiver of the child who has knowledge of the child's paternity;
- Requires the clerk of court to credit a depository payment account for collections received by another state while enforcing the Florida administrative support order associated with the account;
- Resolves inconsistent statutory provisions concerning the amount of the allocation for operations and maintenance of the Clerk of Court Child Support Collection System (CLERC) system by reorganizing statutes to reflect the current, more efficient practice for collecting, retaining, distributing, accounting for and reporting clerk fees in private child support cases; and
- Requires the clerk of court to credit a depository payment account for collections received by another state while enforcing the Florida administrative support order associated with the accounts. The clerk must apply credit in the amount indicated by a record from another state's Title IV-D agency or court that is provided to the clerk by the DOR and that documents collections made or received by the other state.

If approved by the Governor, these provisions take effect July 1, 2023, with the exception of section 4 of the bill, related to nonpayment due to incarceration, which shall take effect upon becoming a law.

Vote: Senate 38-0; House 114-0

