

By the Committee on Family Law & Children and  
Representatives Lynn, Frankel, Effman, Sindler, Wise, Brown,  
Sanderson, Harrington and Chestnut

1                                   A bill to be entitled  
2           An act relating to child support enforcement;  
3           amending s. 61.046, F.S.; defining the term  
4           "State Case Registry"; amending ss. 61.052,  
5           382.008, 455.213, 455.2141, and 741.04, F.S.;  
6           requiring the inclusion of a person's social  
7           security number in judgments for dissolution of  
8           marriage, in death certificates, in certain  
9           licensing provisions, and in certain other  
10          provisions of law; amending s. 61.13, F.S.;  
11          revising language with respect to orders for  
12          child support; amending s. 61.1301, F.S.;  
13          revising language with respect to income  
14          deduction; providing for income deduction  
15          notice; amending s. 61.13016, F.S.; revising  
16          notification requirements with respect to the  
17          suspension of the driver's license of a child  
18          support obligor; amending s. 61.1354, F.S.;  
19          revising language with respect to the sharing  
20          of information between consumer reporting  
21          agencies and the IV-D agency; amending s.  
22          61.14, F.S.; providing for the modification of  
23          certain support orders without a substantial  
24          change of circumstances; providing that certain  
25          final judgments by operation of law shall be a  
26          lien on real and personal property; providing  
27          that workers' compensation payments are not  
28          exempt from garnishment, attachment, execution,  
29          and assignment of income for the purpose of  
30          enforcing child or spousal support obligations;  
31          amending s. 61.181, F.S.; extending a date with

1           respect to the central depository for  
2           receiving, recording, reporting, monitoring,  
3           and disbursing alimony, support, maintenance,  
4           and child support payments; amending s.  
5           61.1812, F.S.; revising language with respect  
6           to the Child Support Incentive Trust Fund;  
7           amending s. 61.1814, F.S.; changing the name of  
8           the Child Support Enforcement Application and  
9           User Fee Trust Fund to the Child Support  
10          Enforcement Application and Program Revenue  
11          Trust Fund; amending s. 61.30, F.S.; providing  
12          that in certain Title IV-D cases no change of  
13          circumstances need to be proven to warrant a  
14          modification in child support payments;  
15          providing for retroactive child support under  
16          certain circumstances; providing that the  
17          Legislature shall review the child support  
18          guidelines at least every 4 years beginning in  
19          1997; creating the Task Force on Child Support  
20          Guidelines; providing for appointment, powers,  
21          and duties; providing for a report; amending s.  
22          88.1011, F.S.; revising definitions with  
23          respect to the Uniform Interstate Family  
24          Support Act; amending ss. 88.1021, 88.2031, and  
25          88.3031, F.S.; conforming to the act; amending  
26          s. 88.2051, F.S., relating to continuing  
27          exclusive jurisdiction; amending s. 88.2071,  
28          F.S.; providing for the recognition of  
29          controlling child support orders; amending s.  
30          88.3011, F.S.; correcting a cross reference;  
31          amending s. 88.3041, F.S.; providing a

1 procedure when a responding state has not  
2 enacted a law similar to the Uniform Interstate  
3 Family Support Act; amending ss. 88.3051,  
4 88.3061, 88.3071, and 88.6061, F.S.; deleting  
5 reference to first class mail for certain  
6 notification; amending s. 88.5011, F.S.;  
7 providing for the employer's receipt of an  
8 income-withholding order of another state;  
9 creating s. 88.50211, F.S., relating to the  
10 employer's compliance with the  
11 income-withholding order of another state;  
12 creating s. 88.5031, F.S.; providing for  
13 compliance with multiple income-withholding  
14 orders; creating s. 88.5041, F.S.; providing  
15 for immunity from civil liability; creating s.  
16 88.5051, F.S.; providing for penalties for  
17 noncompliance; creating s. 88.5061, F.S.;  
18 providing for the contest by the obligor of the  
19 validity of enforcement of an  
20 income-withholding order under certain  
21 circumstances; transferring and renumbering s.  
22 88.5021, F.S., to conform to the act; amending  
23 s. 88.6051, F.S.; revising language with  
24 respect to notice of registration of order;  
25 amending s. 88.6111, F.S.; revising language  
26 with respect to modification of a child support  
27 order of another state; amending s. 88.6121,  
28 F.S., relating to the recognition of an order  
29 modified in another state; creating s. 88.6131,  
30 F.S.; providing for jurisdiction to modify the  
31 child support order of another state when

1 individual parties reside in this state;  
2 creating s. 88.6141, F.S.; providing for notice  
3 to the issuing tribunal of modifications;  
4 amending s. 88.7011, F.S.; revising language  
5 with respect to proceeding to determine  
6 parentage; creating s. 88.9051, F.S.; providing  
7 for rules; amending s. 213.053, F.S.; revising  
8 language with respect to confidentiality and  
9 information sharing by the Department of  
10 Revenue; amending ss. 231.17, 402.308, 548.021,  
11 and 626.171, F.S.; requiring the inclusion of  
12 the applicant's social security number on  
13 applications for teaching certificates, child  
14 care facility licenses, a license or permit  
15 issued by the State Athletic Commission, and  
16 certain insurance licenses; amending s. 320.05,  
17 F.S.; directing the Department of Highway  
18 Safety and Motor Vehicles to disclose certain  
19 information to child support enforcing  
20 agencies; amending s. 382.013, F.S.; providing  
21 for the use of certain information regarding  
22 registered births; providing for certain  
23 information to be given to unwed mothers;  
24 amending ss. 383.0112, 383.0113, and 383.216,  
25 F.S., relating to the Commission on Responsible  
26 Fatherhood; postponing date of a statewide  
27 symposium; revising appointment of commission  
28 members; providing terms; providing for  
29 assignment to the Department of Health;  
30 providing for inclusion of certain programs in  
31 the plan of each prenatal and infant health

1 care coalition; amending s. 409.2554, F.S.;  
2 correcting a cross reference; creating s.  
3 409.25575, F.S.; providing for the  
4 privatization of child support enforcement;  
5 amending s. 409.2561, F.S.; revising language  
6 with respect to reimbursement for public  
7 assistance payments made for support of a  
8 child; amending s. 409.2564, F.S.; revising  
9 language with respect to actions for support;  
10 creating s. 409.25641, F.S.; providing  
11 procedures for processing interstate  
12 enforcement requests; amending s. 409.25645,  
13 F.S.; authorizing the use of administrative  
14 orders to require genetic testing in Title IV-D  
15 cases; amending s. 409.25656, F.S.; revising  
16 language with respect to garnishment; creating  
17 s. 409.25657, F.S.; providing requirements for  
18 financial institutions; amending s. 409.2567,  
19 F.S.; revising language with respect to  
20 services to individuals not otherwise entitled  
21 to delete reference to paternity determination;  
22 amending s. 409.2574, F.S.; directing the  
23 department to serve notice on the obligor with  
24 respect to income deduction notice; creating s.  
25 409.2576, F.S.; creating a State Directory of  
26 New Hires; providing definitions, reports, and  
27 data; providing for service of deduction  
28 notices; providing disclosure; providing for  
29 rulemaking; amending s. 409.2577, F.S.;  
30 revising language with respect to the parent  
31 locator service; providing for certain

1 notification; creating s. 409.2578, F.S.;

2 providing for access to employment information;

3 providing administrative fines; amending s.

4 409.2579, F.S.; revising language with respect

5 to safeguarding Title IV-D case file

6 information; amending s. 409.2598, F.S.,

7 relating to suspension or denial of new or

8 renewal licenses, registrations, and

9 certification; amending s. 414.028, F.S.;

10 providing criteria to be used by the local

11 WAGES coalition to develop and coordinate the

12 financial plan; amending s. 443.171, F.S.,

13 relating to records and reports of employing

14 units with respect to unemployment

15 compensation; amending s. 443.1715, F.S.,

16 relating to the disclosure of certain

17 information with respect to unemployment

18 compensation; amending s. 742.031, F.S.;

19 providing for the recording of each parties

20 social security number on the order

21 adjudicating paternity; providing that certain

22 bills are admissible in evidence; providing

23 requirements with respect to a judgment of

24 paternity which does not contain an explicit

25 award of custody; providing for temporary

26 orders of child support; creating s. 742.032,

27 F.S.; providing for the filing of location

28 information; amending s. 742.10, F.S.;

29 providing that certain persons may rescind an

30 acknowledgment of paternity under certain

31 circumstances; providing for certain rules;

1 providing for the effect of a signed voluntary  
2 acknowledgement of paternity; amending s.  
3 742.105, F.S., relating to the effect of a  
4 determination of paternity from a foreign  
5 jurisdiction; amending s. 742.12, F.S.;  
6 revising language with respect to scientific  
7 testing to determine paternity; amending s.  
8 744.301, F.S.; revising language with respect  
9 to natural guardians; amending s. 943.053,  
10 F.S.; directing the Department of Law  
11 Enforcement to disclose certain information to  
12 the child support enforcement agency; exempting  
13 the Department of Revenue from the provisions  
14 of certain statutes to expedite the acquisition  
15 of goods and services and the leasing of  
16 facilities for the implementation of the act;  
17 directing the department to develop a draft  
18 request for a state disbursement unit and a  
19 state case registry; providing for a report;  
20 providing legislative findings with respect to  
21 protection of applicants and recipients of  
22 certain public assistance; repealing s.  
23 443.175, F.S., relating to pilot projects;  
24 providing effective dates.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Subsection (13) is added to section 61.046,  
29 Florida Statutes, 1996 Supplement, to read:

30 61.046 Definitions.--As used in this chapter:

31

1       (13) "State Case Registry" means a registry maintained  
2 by the Title IV-D agency for information related to paternity  
3 and child support orders for Title IV-D. Beginning October 1,  
4 1998, information related to non-Title IV-D cases established  
5 or modified in the state shall be maintained in the registry.

6       Section 2. Subsections (7) and (8) are added to  
7 section 61.052, Florida Statutes, 1996 Supplement, to read:

8       61.052 Dissolution of marriage.--

9       (7) In the initial pleading for a dissolution of  
10 marriage as a separate attachment to the pleading, each party  
11 is required to provide his or her social security number.

12       (8) Pursuant to the federal Personal Responsibility  
13 and Work Opportunity Reconciliation Act of 1996, each party is  
14 required to provide his or her social security number in  
15 accordance with this section. Disclosure of social security  
16 numbers obtained through this requirement shall be limited to  
17 the purpose of administration of the Title IV-D program for  
18 child support enforcement.

19       Section 3. Paragraph (b) of subsection (1) of section  
20 61.13, Florida Statutes, 1996 Supplement, is amended, and  
21 subsections (9) and (10) are added to said section, to read:

22       61.13 Custody and support of children; visitation  
23 rights; power of court in making orders.--

24       (1)

25       (b) Each order for child support shall contain a  
26 provision for health insurance for the minor child when the  
27 insurance is reasonably available. Insurance is reasonably  
28 available if either the obligor or the obligee has access at a  
29 reasonable rate to group insurance. The court may require the  
30 obligor either to provide health insurance coverage or to  
31 reimburse the obligee for the cost of health insurance

1 coverage for the minor child when coverage is provided by the  
2 obligee. In either event, the court shall apportion the cost  
3 of coverage to both parties by adding the cost to the basic  
4 obligation determined pursuant to s. 61.30(6).

5 1. A copy of the court order for insurance coverage  
6 shall be served on the obligor's payor or union by the obligee  
7 or the IV-D agency when the following conditions are met:

8 a. The obligor fails to provide written proof to the  
9 obligee or the IV-D agency within 30 days of receiving  
10 effective notice of the court order, that the insurance has  
11 been obtained or that application for insurability has been  
12 made;

13 b. The obligee or IV-D agency serves written notice of  
14 its intent to enforce medical support on the obligor by mail  
15 at the obligor's last known address; and

16 c. The obligor fails within 15 days after the mailing  
17 of the notice to provide written proof to the obligee or the  
18 IV-D agency that the insurance coverage existed as of the date  
19 of mailing.

20 2. In cases in which the noncustodial parent provides  
21 health care coverage and the noncustodial parent changes  
22 employment and the new employer provides health care coverage,  
23 the IV-D agency shall transfer notice of the provision to the  
24 employer, which notice shall operate to enroll the child in  
25 the noncustodial parent's health plan, unless the noncustodial  
26 parent contests the notice. Notice to enforce medical  
27 coverage under this section shall be served by the IV-D agency  
28 upon the obligor by mail at the obligor's last known address.  
29 The obligor shall have 15 days from the date of mailing of the  
30 notice to contest the notice with the IV-D agency.

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1           3. Upon receipt of the order pursuant to subparagraph  
2 1. or the notice pursuant to subparagraph 2., or upon  
3 application of the obligor pursuant to the order, the payor,  
4 union, or employer shall enroll the minor child as a  
5 beneficiary in the group insurance plan and withhold any  
6 required premium from the obligor's income. If more than one  
7 plan is offered by the payor, union, or employer, the child  
8 shall be enrolled in the insurance plan in which the obligor  
9 is enrolled.

10           4. The Department of Revenue shall have the authority  
11 to adopt rules to implement the child support enforcement  
12 provisions of this section.~~The order is binding on the payor~~  
13 ~~or union when service of the notice as provided in~~  
14 ~~subparagraph 1. is made. Upon receipt of the order, or upon~~  
15 ~~application of the obligor pursuant to the order, the payor or~~  
16 ~~union shall enroll the minor child as a beneficiary in the~~  
17 ~~group insurance plan and withhold any required premium from~~  
18 ~~the obligor's income. If more than one plan is offered by the~~  
19 ~~payor or union, the child shall be enrolled in the insurance~~  
20 ~~plan in which the obligor is enrolled or the least costly plan~~  
21 ~~otherwise available to the obligor.~~

22           (9)(a) Beginning July 1, 1997, each party to any  
23 paternity or child support proceeding is required to file with  
24 the tribunal as defined in s. 88.1011(22) and State Case  
25 Registry upon entry of an order, and to update as appropriate,  
26 information on location and identity of the party, including  
27 social security number, residential and mailing addresses,  
28 telephone number, driver's license number, and name, address,  
29 and telephone number of employer. Beginning October 1, 1998,  
30 each party to any paternity or child support proceeding in a  
31

1 non-Title IV-D case shall meet the above requirements for  
2 updating the tribunal and State Case Registry.

3 (b) Pursuant to the federal Personal Responsibility  
4 and Work Opportunity Reconciliation Act of 1996, each party is  
5 required to provide his or her social security number in  
6 accordance with this section. Disclosure of social security  
7 numbers obtained through this requirement shall be limited to  
8 the purpose of administration of the Title IV-D program for  
9 child support enforcement.

10 (c) Beginning July 1, 1997, in any subsequent Title  
11 IV-D child support enforcement action between the parties,  
12 upon sufficient showing that diligent effort has been made to  
13 ascertain the location of such a party, the tribunal may deem  
14 state due process requirements for notice and service of  
15 process to be met with respect to the party, upon delivery of  
16 written notice to the most recent residential or employer  
17 address filed with the tribunal and State Case Registry  
18 pursuant to paragraph (a). Beginning October 1, 1998, in any  
19 subsequent non-Title IV-D child support enforcement action  
20 between the parties, the same requirements for service shall  
21 apply.

22 (10) At the time an order for child support is  
23 entered, each party is required to provide his or her social  
24 security number to the court if this information has not  
25 previously been provided. Pursuant to the federal Personal  
26 Responsibility and Work Opportunity Reconciliation Act of  
27 1996, each party is required to provide his or her social  
28 security number in accordance with this section. Disclosure  
29 of social security numbers obtained through this requirement  
30 shall be limited to the purpose of administration of the Title  
31 IV-D program for child support enforcement.

1           Section 4. Section 61.1301, Florida Statutes, 1996  
2 Supplement, is amended to read:

3           61.1301 Income deduction ~~orders~~.--

4           (1) REQUIREMENT FOR INCOME DEDUCTION AS PART OF  
5 ~~ISSUANCE IN CONJUNCTION WITH AN ORDER ESTABLISHING, ENFORCING,~~  
6 ~~OR MODIFYING AN OBLIGATION FOR ALIMONY OR CHILD SUPPORT.--~~

7           (a) Upon the entry of an order establishing,  
8 enforcing, or modifying an obligation for alimony, for child  
9 support, or for alimony and child support, the court shall  
10 include provisions ~~enter a separate order~~ for income deduction  
11 of the alimony and/or child support in the order ~~if one has~~  
12 ~~not been entered~~. Copies of the orders shall be served on the  
13 obligee and obligor. ~~If~~ The order establishing, enforcing, or  
14 modifying the obligation shall direct ~~directs~~ that payments be  
15 made through the depository. ~~The~~ court shall provide to the  
16 depository a copy of the order establishing, enforcing, or  
17 modifying the obligation. If the obligee is a IV-D applicant,  
18 the court shall furnish to the IV-D agency a copy ~~copies~~ of  
19 the ~~income deduction~~ order ~~and the order~~ establishing,  
20 enforcing, or modifying the obligation.

21           1. The income deduction shall be implemented by  
22 servicing an income deduction notice upon the payor.

23           2. If a support order entered before October 1, 1996,  
24 in a non-Title IV-D case does not specify income deduction,  
25 income deduction may be initiated upon a delinquency without  
26 the need for any amendment to the support order or any further  
27 action by the court. In such case the obligee may implement  
28 income deduction by serving a notice of delinquency on the  
29 obligor as provided for under subparagraph (f).

30           (b) Provisions for income deduction. ~~The income~~  
31 ~~deduction~~ order entered pursuant to paragraph (a) shall:

- 1           1. Direct a payor to deduct from all income due and  
2 payable to an obligor the amount required by the court to meet  
3 the obligor's support obligation including any attorney's fees  
4 or costs owed and forward the deducted amount to the  
5 depository;
- 6           2. State the amount of arrearage owed, if any, and  
7 direct a payor to withhold an additional 20 percent or more of  
8 the periodic amount specified in the order establishing,  
9 enforcing, or modifying the obligation, until full payment is  
10 made of any arrearage, attorney's fees and costs owed,  
11 provided no deduction shall be applied to attorney's fees and  
12 costs until the full amount of any arrearage is paid;
- 13           3. Direct a payor not to deduct in excess of the  
14 amounts allowed under s. 303(b) of the Consumer Credit  
15 Protection Act, 15 U.S.C. s. 1673(b), as amended;
- 16           4. Direct whether a payor shall deduct all, a  
17 specified portion, or no income which is paid in the form of a  
18 bonus or other similar one-time payment, up to the amount of  
19 arrearage reported in the income deduction notice or the  
20 remaining balance thereof, and forward the payment to the  
21 governmental depository. For purposes of this subparagraph,  
22 "bonus" means a payment in addition to an obligor's usual  
23 compensation and which is in addition to any amounts  
24 contracted for or otherwise legally due and shall not include  
25 any commission payments due an obligor; and
- 26           5. In Title IV-D cases, direct a payor to provide to  
27 the court depository the date on which each deduction is made.
- 28           (c) The income deduction ~~order~~ is effective  
29 immediately unless the court upon good cause shown finds that  
30 ~~the~~ income deduction ~~order~~ shall be effective upon a  
31 delinquency in an amount specified by the court but not to

1 ~~exceed equal to 1 month's payment pursuant to the order~~  
2 ~~establishing, enforcing, or modifying the obligation.~~ In order  
3 to find good cause, the court must at a minimum make written  
4 findings that:

5 1. Explain why implementing immediate income deduction  
6 would not be in the child's best interest;

7 2. There is proof of timely payment of the previously  
8 ordered obligation without an income deduction order in cases  
9 of modification; and

10 3.a. There is an agreement by the obligor to advise  
11 the IV-D agency and court depository of any change in payor  
12 and health insurance; or

13 b. There is a signed written agreement providing an  
14 alternative arrangement between the obligor and the obligee  
15 and, at the option of the IV-D agency, by the IV-D agency in  
16 IV-D cases in which there is an assignment of support rights  
17 to the state, reviewed and entered in the record by the court.

18 (d) The income deduction ~~order~~ shall be effective ~~so~~  
19 ~~long as the order upon which it is based is effective or until~~  
20 further order of the court.

21 (e) Statement of obligor's rights.When the court  
22 orders the income deduction to be effective immediately, the  
23 court shall furnish to the obligor a statement of his or her  
24 rights, remedies, and duties in regard to the income deduction  
25 ~~order~~. The statement shall state:

26 1. All fees or interest which shall be imposed.

27 2. The total amount of income to be deducted for each  
28 pay period until the arrearage, if any, is paid in full and  
29 shall state the total amount of income to be deducted for each  
30 pay period thereafter. The amounts deducted may not be in  
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1 excess of that allowed under s. 303(b) of the Consumer Credit  
2 Protection Act, 15 U.S.C. s. 1673(b), as amended.

3 3. That the income deduction notice order applies to  
4 current and subsequent payors and periods of employment.

5 4. That a copy of the income deduction notice order  
6 will be served on the obligor's payor or payors.

7 5. That enforcement of the income deduction notice  
8 ~~order~~ may only be contested on the ground of mistake of fact  
9 regarding the amount owed pursuant to the order establishing,  
10 enforcing, or modifying the obligation, the arrearages, or the  
11 identity of the obligor.

12 6. That the obligor is required to notify the obligee  
13 and, when the obligee is receiving IV-D services, the IV-D  
14 agency within 7 days of changes in the obligor's address,  
15 payors, and the addresses of his or her payors.

16 (f) Notice of delinquency.When the court orders the  
17 income deduction to be effective upon a delinquency as  
18 provided in subparagraph (a)2. or paragraph (c)~~in an amount~~  
19 ~~equal to 1 month's payment pursuant to the order establishing,~~  
20 ~~enforcing, or modifying the obligation,~~ the obligee may  
21 enforce the income deduction by serving a notice of  
22 delinquency on the obligor.

23 1. The notice of delinquency shall state:

24 a. The terms of the order establishing, enforcing, or  
25 modifying the obligation.

26 b. The period of delinquency and the total amount of  
27 the delinquency as of the date the notice is mailed.

28 c. All fees or interest which may be imposed.

29 d. The total amount of income to be deducted for each  
30 pay period until the arrearage, and all applicable fees and  
31 interest, is paid in full and shall state the total amount of

1 income to be deducted for each pay period thereafter. The  
2 amounts deducted may not be in excess of that allowed under s.  
3 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.  
4 1673(b), as amended.

5 e. That the income deduction notice ~~order~~ applies to  
6 current and subsequent payors and periods of employment.

7 f. That a copy of the notice of delinquency will be  
8 served on the obligor's payor or payors, together with a copy  
9 of the income deduction notice ~~order~~, unless the obligor  
10 applies to the court to contest enforcement of the income  
11 deduction ~~order~~. The application shall be filed within 15 days  
12 after the date the notice of delinquency was served.

13 g. That ~~the~~ enforcement of the income deduction notice  
14 ~~order~~ may only be contested on the ground of mistake of fact  
15 regarding the amount owed pursuant to the order establishing,  
16 enforcing, or modifying the obligation, the amount of  
17 arrearages, or the identity of the obligor.

18 h. That the obligor is required to notify the obligee  
19 of the obligor's current address and current payors and of the  
20 address of current payors. All changes shall be reported by  
21 the obligor within 7 days. If the IV-D agency is enforcing  
22 the order, the obligor shall make these notifications to the  
23 agency instead of to the obligee.

24 2. The failure of the obligor to receive the notice of  
25 delinquency does not preclude subsequent service of the income  
26 deduction ~~order~~ on the obligor's payor. A notice of  
27 delinquency which fails to state an arrearage does not mean  
28 that an arrearage is not owed.

29 (g) At any time, any party, including the IV-D agency,  
30 may apply to the court to:

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1           1. Modify, suspend, or terminate the ~~order for~~ income  
2 deduction notice in accordance with ~~because of~~ a modification,  
3 suspension, or termination of the support provisions in the  
4 underlying order; or  
5           2. Modify the amount of income deducted when the  
6 arrearage has been paid.  
7           (2) ENFORCEMENT OF INCOME DEDUCTION ~~ORDERS~~.--  
8           (a) The obligee or his or her agent shall serve an  
9 income deduction ~~order and the~~ notice ~~to payor~~, and in the  
10 case of a delinquency a notice of delinquency, on the  
11 obligor's payor unless the obligor has applied for a hearing  
12 to contest the enforcement of the income deduction ~~order~~  
13 pursuant to paragraph (c).  
14           (b)1. Service by or upon any person who is a party to  
15 a proceeding under this section shall be made in the manner  
16 prescribed in the Florida Rules of Civil Procedure for service  
17 upon parties.  
18           2. Service upon an obligor's payor or successor payor  
19 under this section shall be made by prepaid certified mail,  
20 return receipt requested, or in the manner prescribed in  
21 chapter 48.  
22           (c)1. The obligor, within 15 days after service of a  
23 notice of delinquency, may apply for a hearing to contest the  
24 enforcement of the income deduction ~~order~~ on the ground of  
25 mistake of fact regarding the amount owed pursuant to an order  
26 establishing, enforcing, or modifying an obligation for  
27 alimony, for child support, or for alimony and child support,  
28 the amount of the arrearage, or the identity of the obligor.  
29 The obligor shall send a copy of the pleading to the obligee  
30 and, if the obligee is receiving IV-D services, to the IV-D  
31 agency. The timely filing of the pleading shall stay the

1 service of an income deduction notice order on all payors of  
2 the obligor until a hearing is held and a determination is  
3 made as to whether ~~the~~ enforcement of the income deduction  
4 order is proper. The payment of a delinquent obligation by an  
5 obligor upon issuance entry of an income deduction notice  
6 ~~order~~ shall not preclude service of the income deduction  
7 notice order on the obligor's payor.

8           2. When an obligor timely requests a hearing to  
9 contest enforcement of ~~an~~ income deduction ~~order~~, the court,  
10 after due notice to all parties and the IV-D agency if the  
11 obligee is receiving IV-D services, shall hear the matter  
12 within 20 days after the application is filed. The court  
13 shall enter an order resolving the matter within 10 days after  
14 the hearing. A copy of this order shall be served on the  
15 parties and the IV-D agency if the obligee is receiving IV-D  
16 services. If the court determines that service of an income  
17 deduction notice order is proper, it shall specify the date  
18 the income deduction notice order must be served on the  
19 obligor's payor.

20           (d) When a court determines that an income deduction  
21 notice order is proper pursuant to paragraph (c), the obligee  
22 or his or her agent shall cause a copy of the notice of  
23 delinquency to be served on the obligor's payors. A copy of  
24 the income deduction notice ~~to the payor~~, and in the case of a  
25 delinquency a notice of delinquency, shall also be furnished  
26 to the obligor.

27           (e) Income deduction notice.The income deduction  
28 notice ~~to payor~~ shall contain only information necessary for  
29 the payor to comply with the order providing for income  
30 deduction ~~order~~. The notice shall:

31           1. Provide the obligor's social security number.

- 1           2. Require the payor to deduct from the obligor's  
2 income the amount specified in the order providing for income  
3 deduction ~~order~~, and in the case of a delinquency the amount  
4 specified in the notice of delinquency, and to pay that amount  
5 to the obligee or to the depository, as appropriate. The  
6 amount actually deducted plus all administrative charges shall  
7 not be in excess of the amount allowed under s. 303(b) of the  
8 Consumer Credit Protection Act, 15 U.S.C. s. 1673(b);
- 9           3. Instruct the payor to implement ~~the~~ income  
10 deduction ~~order~~ no later than the first payment date which  
11 occurs more than 14 days after the date the income deduction  
12 notice order was served on the payor, and the payor shall  
13 conform the amount specified in the income deduction order to  
14 the obligor's pay cycle;
- 15           4. Instruct the payor to forward, within 2 days after  
16 each date the obligor is entitled to payment from the payor,  
17 to the obligee or to the depository the amount deducted from  
18 the obligor's income, a statement as to whether the amount  
19 totally or partially satisfies the periodic amount specified  
20 in the income deduction notice order, and the specific date  
21 each deduction is made. If the IV-D agency is enforcing the  
22 order, the payor shall make these notifications to the agency  
23 instead of the obligee;
- 24           5. Specify that if a payor fails to deduct the proper  
25 amount from the obligor's income, the payor is liable for the  
26 amount the payor should have deducted, plus costs, interest,  
27 and reasonable attorney's fees;
- 28           6. Provide that the payor may collect up to \$5 against  
29 the obligor's income to reimburse the payor for administrative  
30 costs for the first income deduction and up to \$2 for each  
31 deduction thereafter;

1           7. State that the income deduction ~~order and the~~  
2 notice ~~to payor~~, and in the case of a delinquency the notice  
3 of delinquency, are binding on the payor until further notice  
4 by the obligee, IV-D agency, or the court or until the payor  
5 no longer provides income to the obligor;

6           8. Instruct the payor that, when he or she no longer  
7 provides income to the obligor, he or she shall notify the  
8 obligee and shall also provide the obligor's last known  
9 address and the name and address of the obligor's new payor,  
10 if known; and that, if the payor violates this provision, the  
11 payor is subject to a civil penalty not to exceed \$250 for the  
12 first violation or \$500 for any subsequent violation. If the  
13 IV-D agency is enforcing the order, the payor shall make these  
14 notifications to the agency instead of to the obligee.  
15 Penalties shall be paid to the obligee or the IV-D agency,  
16 whichever is enforcing the income deduction order;

17           9. State that the payor shall not discharge, refuse to  
18 employ, or take disciplinary action against an obligor because  
19 of an income deduction notice order and shall state that a  
20 violation of this provision subjects the payor to a civil  
21 penalty not to exceed \$250 for the first violation or \$500 for  
22 any subsequent violation. Penalties shall be paid to the  
23 obligee or the IV-D agency, whichever is enforcing the income  
24 deduction notice order, if any alimony or child support  
25 obligation is owing. If no alimony or child support obligation  
26 is owing, the penalty shall be paid to the obligor;

27           10. State that an obligor may bring a civil action in  
28 the courts of this state against a payor who refuses to  
29 employ, discharges, or otherwise disciplines an obligor  
30 because of an income deduction notice order. The obligor is  
31

1 entitled to reinstatement and all wages and benefits lost,  
2 plus reasonable attorney's fees and costs incurred;

3           11. Inform the payor that the income deduction notice  
4 ~~order~~ has priority over all other legal processes under state  
5 law pertaining to the same income and that payment, as  
6 required by the income deduction notice ~~order~~, is a complete  
7 defense by the payor against any claims of the obligor or his  
8 or her creditors as to the sum paid;

9           12. Inform the payor that, when the payor ~~he or she~~  
10 receives income deduction notices ~~orders~~ requiring that the  
11 income of two or more obligors be deducted and sent to the  
12 same depository, the payor may combine the amounts that are to  
13 be paid to the depository in a single payment as long as the  
14 payments attributable to each obligor are clearly identified;  
15 and

16           13. Inform the payor that if the payor receives more  
17 than one income deduction notice ~~order~~ against the same  
18 obligor, the payor shall contact the court for further  
19 instructions. Upon being so contacted, the court shall  
20 allocate amounts available for income deduction as provided in  
21 subsection (4).

22           (f) At any time ~~an~~ income deduction ~~order~~ is being  
23 enforced, the obligor may apply to the court for a hearing to  
24 contest the continued enforcement of the income deduction  
25 ~~order~~ on the same grounds set out in paragraph (c), with a  
26 copy to the obligee and, in IV-D cases, to the IV-D agency.  
27 The application does not affect the continued enforcement of  
28 the income deduction ~~order~~ until the court enters an order  
29 granting relief to the obligor. The obligee or the IV-D  
30 agency is released from liability for improper receipt of  
31

1 moneys pursuant to ~~an~~ income deduction ~~order~~ upon return to  
2 the appropriate party of any moneys received.

3 (g) An obligee or his or her agent shall enforce  
4 income deduction ~~orders~~ against an obligor's successor payor  
5 who is located in this state in the same manner prescribed in  
6 this section for the enforcement of an income deduction order  
7 against a payor.

8 (h)1. When ~~an~~ income deduction ~~order~~ is to be enforced  
9 against a payor located outside the state, the obligee who is  
10 receiving IV-D services or his or her agent shall promptly  
11 request the agency responsible for income deduction in the  
12 other state to enforce the income deduction ~~order~~. The request  
13 shall contain all information necessary to enforce the income  
14 deduction ~~order~~, including the amount to be periodically  
15 deducted, a copy of the order establishing, enforcing, or  
16 modifying the obligation, and a statement of arrearages, if  
17 applicable.

18 2. When the IV-D agency is requested by the agency  
19 responsible for income deduction in another state to enforce  
20 ~~an~~ income deduction ~~order~~ against a payor located in this  
21 state for the benefit of an obligee who is being provided IV-D  
22 services by the agency in the other state, the IV-D agency  
23 shall act promptly pursuant to the applicable provisions of  
24 this section.

25 3. When an obligor who is subject to ~~an~~ income  
26 deduction ~~order~~ enforced against a payor located in this state  
27 for the benefit of an obligee who is being provided IV-D  
28 services by the agency responsible for income deduction in  
29 another state terminates his or her relationship with his or  
30 her payor, the IV-D agency shall notify the agency in the  
31 other state and provide it with the name and address of the

1 obligor and the address of any new payor of the obligor, if  
2 known.

3           4.a. The procedural rules and laws of this state  
4 govern the procedural aspects of income deduction ~~orders~~  
5 whenever the agency responsible for income deduction in  
6 another state requests the enforcement of an income deduction  
7 order in this state.

8           b. Except with respect to when withholding must be  
9 implemented, which is controlled by the state where the order  
10 establishing, enforcing, or modifying the obligation was  
11 entered, the substantive law of this state shall apply  
12 whenever the agency responsible for income deduction in  
13 another state requests the enforcement of an income deduction  
14 ~~order~~ in this state.

15           c. When the IV-D agency is requested by an agency  
16 responsible for income deduction in another state to implement  
17 income deduction against a payor located in this state for the  
18 benefit of an obligee who is being provided IV-D services by  
19 the agency in the other state or when the IV-D agency in this  
20 state initiates an income deduction request on behalf of an  
21 obligee receiving IV-D services in this state against a payor  
22 in another state, the IV-D agency shall file the interstate  
23 income deduction documents, or an affidavit of such request  
24 when the income deduction documents are not available, with  
25 the depository and if the IV-D agency in this state is  
26 responding to a request from another state, provide copies to  
27 the payor and obligor in accordance with subsection (1). The  
28 depository created pursuant to s. 61.181 shall accept the  
29 interstate income deduction documents or affidavit and shall  
30 establish an account for the receipt and disbursement of child  
31 support or child support and alimony payments ~~or child support~~

1 ~~payments in accordance with s. 61.181~~ and advise the IV-D  
2 agency of the account number in writing within 2 days after  
3 receipt of the documents or affidavit.

4 (i) Certified copies of payment records maintained by  
5 a depository shall, without further proof, be admitted into  
6 evidence in any legal proceeding in this state.

7 (j)1. A person may not discharge, refuse to employ, or  
8 take disciplinary action against an employee because of the  
9 enforcement of ~~an~~ income deduction ~~order~~. An employer who  
10 violates this subsection is subject to a civil penalty not to  
11 exceed \$250 for the first violation or \$500 for any subsequent  
12 violation. Penalties shall be paid to the obligee or the IV-D  
13 agency, whichever is enforcing the income deduction order, if  
14 any alimony or child support is owing. If no alimony or child  
15 support is owing, the penalty shall be paid to the obligor.

16 2. An employee may bring a civil action in the courts  
17 of this state against an employer who refuses to employ,  
18 discharges, or otherwise disciplines an employee because of ~~an~~  
19 income deduction ~~order~~. The employee is entitled to  
20 reinstatement and all wages and benefits lost plus reasonable  
21 attorney's fees and costs incurred.

22 (k) When a payor no longer provides income to an  
23 obligor, he or she shall notify the obligee and, if the  
24 obligee is a IV-D applicant, the IV-D agency and shall also  
25 provide the obligor's last known address and the name and  
26 address of the obligor's new payor, if known. A payor who  
27 violates this subsection is subject to a civil penalty not to  
28 exceed \$250 for the first violation or \$500 for a subsequent  
29 violation. Penalties shall be paid to the obligee or the IV-D  
30 agency, whichever is enforcing the income deduction ~~order~~.

31

1           (3) It is the intent of the Legislature that this  
2 section may be used to collect arrearages in child support  
3 payments or in alimony payments which have been accrued  
4 against an obligor.

5           (4) When there is more than one income deduction  
6 notice ~~order~~ against the same obligor, the court shall  
7 allocate amounts available for income deduction among all  
8 obligee families as follows:

9           (a) For computation purposes, the court shall convert  
10 all obligations to a common payroll frequency and determine  
11 the percentage of deduction allowed under s. 303(b) of the  
12 Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as  
13 amended. The court shall determine the amount of income  
14 available for deduction by multiplying that percentage figure  
15 by the obligor's net income and determine the sum of all of  
16 the support obligations.

17           (b) If the sum of the support obligations is less than  
18 the amount of income available for deduction, the court shall  
19 order that the full amount of each obligation shall be  
20 deducted.

21           (c) If the sum of the support obligations is greater  
22 than the amount of income available for deduction, the court  
23 shall determine a prorated percentage for each support  
24 obligation by dividing each obligation by the sum total of all  
25 the support obligations. The court shall then determine the  
26 prorated deduction amount for each support obligation by  
27 multiplying the prorated percentage for each support  
28 obligation by the amount of income available for deduction.  
29 The court shall then order that the resultant amount for each  
30 support obligation shall be deducted from the obligor's  
31 income.

1           Section 5. Section 61.13016, Florida Statutes, is  
2 amended to read:  
3           61.13016 Suspension of driver's licenses and motor  
4 vehicle registrations.--  
5           (1) The driver's license and motor vehicle  
6 registration of a child support obligor who is delinquent in  
7 payment or who has failed to comply with subpoenas or a  
8 similar order to appear or show cause relating to paternity or  
9 child support proceedings may be suspended. Upon a  
10 delinquency in child support or failure to comply with a  
11 subpoena or similar order to appear or show cause in IV-D  
12 cases, the Title IV-D agency may provide ~~serve~~ notice to ~~on~~  
13 the obligor of the delinquency or failure to comply with a  
14 subpoena or similar order to appear or show cause and the  
15 intent to suspend by regular United States mail that is posted  
16 to the obligor's last address of record with the Department of  
17 Highway Safety and Motor Vehicles ~~as provided under s.~~  
18 ~~322.245~~. Upon a delinquency in child support in non-IV-D  
19 cases, and upon the request of the obligee, the depository or  
20 the clerk of the court must provide ~~serve~~ notice to by  
21 ~~certified mail, return receipt requested, on~~ the obligor of  
22 the delinquency and the intent to suspend by regular United  
23 States mail that is posted to the obligor's last address of  
24 record with the Department of Highway Safety and Motor  
25 Vehicles ~~as provided under s. 322.245~~. In either case, the  
26 notice must state:  
27           (a) The terms of the order creating the child support  
28 obligation;  
29           (b) The period of the delinquency and the total amount  
30 of the delinquency as of the date of the notice or describe  
31

1 the subpoena or similar order to appear or show cause which  
2 has not been complied with;

3 (c) That notification will be given to ~~The intent of~~  
4 ~~the Title IV-D agency in IV-D cases or the depository or clerk~~  
5 ~~of the court in non-IV-D cases to notify~~ the Department of  
6 Highway Safety and Motor Vehicles to suspend the obligor's  
7 driver's license and motor vehicle registration unless, within  
8 20 ~~15~~ days after the date receipt of the notice is mailed the  
9 obligor:

10 1.a. Pays the delinquency in full;

11 ~~b.2.~~ Enters into a written agreement for payment with  
12 the obligee in non-IV-D cases or with the Title IV-D agency in  
13 IV-D cases; or in IV-D cases, complies with a subpoena or  
14 similar order to appear or show cause; or

15 ~~c.3.~~ Files a petition with the circuit court to  
16 contest the delinquency action; ~~and.~~

17 2. Pays any applicable delinquency fees.

18  
19 If the obligor in non-IV-D cases enters into a written  
20 agreement for payment before ~~prior to~~ the expiration of the  
21 20-day ~~15-day~~ period, he must provide a copy of the signed  
22 written agreement to the depository or the clerk of the court.

23 (2) If the obligor does not, within 20 ~~15~~ days after  
24 the mailing date on ~~receipt of~~ the notice, pay the  
25 delinquency, enter into a payment agreement, comply with the  
26 subpoena or a similar order to appear or show cause, or file a  
27 motion to contest, the Title IV-D agency in IV-D cases, or the  
28 depository or clerk of the court in non-IV-D cases shall file  
29 the notice with the Department of Highway Safety and Motor  
30 Vehicles and request the suspension of the obligor's driver's  
31

1 license and motor vehicle registration in accordance with s.  
2 322.058.

3 (3) The obligor may, within 20 ~~15~~ days after the  
4 mailing date on the receipt of a notice of delinquency or  
5 noncompliance and intent to suspend, file in the circuit court  
6 a petition to contest the notice of delinquency or  
7 noncompliance and intent to suspend on the ground of mistake  
8 of fact regarding the existence of a delinquency or the  
9 identity of the obligor. The obligor must serve a copy of the  
10 petition on the Title IV-D agency in IV-D cases or depository  
11 or clerk of the court in non-IV-D cases. When an obligor  
12 timely files a petition to contest, the court must hear the  
13 matter within 15 days after the petition is filed. The court  
14 must enter an order resolving the matter within 10 days after  
15 the hearing, and a copy of the order must be served on the  
16 parties. The timely filing of a petition to contest stays the  
17 notice of delinquency and intent to suspend until the entry of  
18 a court order resolving the matter.

19 ~~(4) The Title IV-D agency shall submit a report that~~  
20 ~~describes the measured results and effectiveness of the~~  
21 ~~driver's license suspension process set forth in this section~~  
22 ~~for IV-D cases to the Senate and the House of Representatives~~  
23 ~~by February 1, 1997.~~

24 Section 6. Section 61.1354, Florida Statutes, is  
25 amended to read:

26 61.1354 Sharing of information between consumer  
27 reporting agencies and the IV-D agency.--

28 (1) Upon receipt of a request from a consumer  
29 reporting agency as defined in section 603(f) of the Fair  
30 Credit Reporting Act, the IV-D agency or the depository in  
31 non-Title-IV-D cases shall make available information relating

1 to the amount of overdue support owed by an obligor ~~when the~~  
2 ~~amount exceeds \$500.~~

3       ~~(2)~~ The IV-D agency or the depository in  
4 non-Title-IV-D cases shall give the obligor written notice, at  
5 least 15 days prior to the release of information, of the IV-D  
6 agency's or depository's authority to release information to  
7 consumer reporting agencies relating to the amount of overdue  
8 support owed by the obligor. The obligor shall be informed of  
9 his or her right to request a hearing with the IV-D agency or  
10 the court in non-Title-IV-D cases to contest the accuracy of  
11 the information.

12       (2) The IV-D agency shall report periodically to  
13 appropriate credit reporting agencies, as identified by the  
14 IV-D agency, the name and social security number of any  
15 delinquent obligor and the amount of overdue support owed by  
16 the obligor. The IV-D agency, or its designee, shall provide  
17 the obligor with written notice at least 15 days prior to the  
18 release of information, of the IV-D agency's authority to  
19 release the information to the consumer reporting agencies.  
20 The notice shall state the amount of overdue support owed and  
21 shall inform the obligor of the right to request a hearing  
22 with the IV-D agency or the court in non-Title-IV-D cases to  
23 contest the accuracy of the information.

24       (3) For purposes of determining an individual's income  
25 and establishing an individual's capacity to make child  
26 support payments or for determining the appropriate amount of  
27 such payment by the individual, consumer reporting agencies  
28 shall provide, upon request, consumer reports to the head of  
29 the IV-D agency pursuant to section 604 of the Fair Credit  
30 Reporting Act, provided that the head of IV-D agency, or its  
31 designee certifies that:

1       (a) The consumer report is needed for the purpose of  
2 determining an individual's income and establishing an  
3 individual's capacity to make child support payments or  
4 determining the appropriate amount of such payment by the  
5 individual;

6       (b) Paternity of the child of the individual whose  
7 report is sought, if that individual is the father of the  
8 child, has been established or acknowledged pursuant to the  
9 laws of Florida;

10       (c) The individual whose report is sought was provided  
11 with at least 15 days' prior notice, by certified or  
12 registered mail to the individual's last known address, that  
13 the report was requested;

14       (d) The consumer report will be used solely for the  
15 purpose described in paragraph (a).

16       (4) For purposes of setting an initial or modified  
17 child support order, consumer reporting agencies shall  
18 provide, upon request, consumer reports to the IV-D agency.

19       (5) The Department of Revenue is authorized to adopt  
20 rules necessary to implement this section.

21       Section 7. Subsection (1) and paragraph (b) of  
22 subsection (6) of section 61.14, Florida Statutes, are  
23 amended, paragraph (f) of subsection (6) of said section is  
24 redesignated as paragraph (g) and a new paragraph (f) is added  
25 and subsection (8) is added to said section to read:

26       61.14 Enforcement and modification of support,  
27 maintenance, or alimony agreements or orders.--

28       (1)(a) When the parties enter into an agreement for  
29 payments for, or instead of, support, maintenance, or alimony,  
30 whether in connection with a proceeding for dissolution or  
31 separate maintenance or with any voluntary property

1 settlement, or when a party is required by court order to make  
2 any payments, and the circumstances or the financial ability  
3 of either party changes or the child who is a beneficiary of  
4 an agreement or court order as described herein reaches  
5 majority after the execution of the agreement or the rendition  
6 of the order, either party may apply to the circuit court of  
7 the circuit in which the parties, or either of them, resided  
8 at the date of the execution of the agreement or reside at the  
9 date of the application, or in which the agreement was  
10 executed or in which the order was rendered, for an order  
11 decreasing or increasing the amount of support, maintenance,  
12 or alimony, and the court has jurisdiction to make orders as  
13 equity requires, with due regard to the changed circumstances  
14 or the financial ability of the parties or the child,  
15 decreasing, increasing, or confirming the amount of separate  
16 support, maintenance, or alimony provided for in the agreement  
17 or order. A finding that medical insurance is reasonably  
18 available or the child support guidelines in s. 61.30 may  
19 constitute changed circumstances.

20 (b) In Title IV-D cases reviewed pursuant to the  
21 3-year review and adjustment cycle, no substantial change of  
22 circumstance need be proven to warrant a modification.

23 (c) The department shall have authority to adopt rules  
24 to implement this section.

25 (6)

26 (b)1. When an obligor is 15 days delinquent in making  
27 a payment or installment of support, the local depository  
28 shall serve notice on the obligor informing him or her of:

29 a. The delinquency and its amount.

30 b. An impending judgment by operation of law against  
31 him or her in the amount of the delinquency and all other

1 amounts which thereafter become due and are unpaid, together  
2 with costs and a fee of \$5, for failure to pay the amount of  
3 the delinquency.

4 c. The obligor's right to contest the impending  
5 judgment and the ground upon which such contest can be made.

6 d. The local depository's authority to release  
7 information regarding the delinquency to one or more credit  
8 reporting agencies.

9 2. The local depository shall serve the notice by  
10 mailing it by first class mail ~~certified mail, return receipt~~  
11 ~~requested~~ to the obligor at his or her last address of record  
12 with the local depository. If the obligor has no address of  
13 record with the local depository, service shall be by  
14 publication as provided in chapter 49.

15 3. When service of the notice is made by mail, service  
16 is complete on the date of mailing.

17 (f) The final judgment by operation of law shall be a  
18 lien on real and personal property in the counties where  
19 certified copies are recorded. The amount of the lien shall  
20 be updated according to each prospective installment support  
21 payment, once past due and unpaid. Full faith and credit will  
22 be accorded to all judgments arising in another state, when  
23 the state agency, party, or other entity seeking to enforce  
24 such a lien complies with the procedural rules relating to  
25 recording or serving liens that arise within the other state,  
26 except that such rules may not require judicial notice or  
27 hearing prior to the recording or serving of such a lien.

28 (8) Notwithstanding the provisions of s. 440.22, any  
29 compensation due or that may become due an employee under  
30 chapter 440 is exempt from garnishment, attachment, execution,  
31

1 and assignment of income, except for the purposes of enforcing  
2 child or spousal support obligations.

3 Section 8. Subsection (1) and paragraph (a) of  
4 subsection (3) of section 61.181, Florida Statutes, 1996  
5 Supplement, are amended to read:

6 61.181 Central depository for receiving, recording,  
7 reporting, monitoring, and disbursing alimony, support,  
8 maintenance, and child support payments; fees.--

9 (1) The office of the clerk of the court shall operate  
10 a depository unless the depository is otherwise created by  
11 special act of the Legislature or unless, prior to June 1,  
12 1985, a different entity was established to perform such  
13 functions. The department shall, no later than July 1, 1998  
14 ~~1997~~, extend participation in the federal child support cost  
15 reimbursement program to the central depository in each  
16 county, to the maximum extent possible under existing federal  
17 law. The depository shall receive reimbursement for services  
18 provided under a cooperative agreement with the department as  
19 provided by federal law.

20 (3)(a) The depository shall collect and distribute all  
21 support payments paid into the depository to the appropriate  
22 party. On or after July 1, 1998 ~~1997~~, if a payment is made  
23 which is not accompanied by the required transaction fee, the  
24 depository shall not deduct any moneys from the support  
25 payment for payment of the fee. Nonpayment of the required  
26 fee shall be considered a delinquency, and when the total of  
27 fees and costs which are due but not paid exceeds \$50, the  
28 judgment by operation of law process set forth in s.  
29 61.14(6)(a) shall become applicable and operational. As part  
30 of its collection and distribution functions, the depository  
31 shall maintain records listing:

- 1           1. The obligor's name, address, social security
- 2 number, place of employment, and any other sources of income.
- 3           2. The obligee's name, address, and social security
- 4 number.
- 5           3. The amount of support due as provided in the court
- 6 order.
- 7           4. The schedule of payment as provided in the court
- 8 order.
- 9           5. The actual amount of each support payment received,
- 10 the date of receipt, the amount disbursed, and the recipient
- 11 of the disbursement.
- 12           6. The unpaid balance of any arrearage due as provided
- 13 in the court order.
- 14           7. Other records as necessary to comply with federal
- 15 reporting requirements.
- 16           Section 9. Effective June 1, 1997, subsection (1) of
- 17 section 61.1812, Florida Statutes, is amended to read:
- 18           61.1812 Child Support Incentive Trust Fund.--
- 19           (1) The Child Support Incentive Trust Fund is hereby
- 20 created, to be administered by the Department of Revenue. All
- 21 child support enforcement incentive earnings and that portion
- 22 of the state share of Title IV-A public assistance collections
- 23 recovered in fiscal year 1996-1997 by the title IV-D program
- 24 of the department, which is in excess of the amount estimated
- 25 by the February, 1997 Social Services Estimating Conference to
- 26 be recovered in fiscal year 1996-1997, shall be credited to
- 27 the trust fund, and no other receipts, except interest
- 28 earnings, shall be credited thereto. For fiscal years
- 29 1997-1998 and 1998-1999, in addition to incentive earnings and
- 30 interest earnings, that portion of the state share of Title
- 31 IV-A public assistance collections recovered in each fiscal

1 year by the Title IV-D program of the department, which is in  
2 excess of the amount estimated by the February, 1997 Social  
3 Services Estimating Conference to be recovered in fiscal year  
4 1997-1998, shall be credited to the trust fund.The purpose of  
5 the trust fund is to account for federal incentive payments to  
6 the state for child support enforcement and to support the  
7 activities of the child support enforcement program under  
8 Title IV-D of the Social Security Act. The department shall  
9 invest the money in the trust fund pursuant to ss.  
10 215.44-215.52, and retain all interest earnings in the trust  
11 fund. The department shall separately account for receipts  
12 credited to the trust fund.

13 Section 10. Section 61.1814, Florida Statutes, 1996  
14 Supplement, is amended to read:

15 61.1814 Child Support Enforcement Application and  
16 Program Revenue ~~User Fee~~ Trust Fund.--The Child Support  
17 Enforcement Application and Program Revenue ~~User Fee~~ Trust  
18 Fund is hereby created, to be administered by the Department  
19 of Revenue. The fund shall be used for the deposit of  
20 application fees of nonpublic assistance ~~non-AFDC~~ applicants  
21 for child support enforcement services and fines imposed under  
22 ss. 409.2564(8) and 409.2578. Moneys deposited from fines  
23 imposed under ss. 409.2564(8) and 409.2578 shall be maintained  
24 separately from moneys deposited from application fees.

25 Section 11. Paragraph (b) of subsection (1),  
26 subsection (2), and paragraphs (b) and (f) of subsection (11)  
27 and subsection (16) of section 61.30, Florida Statutes, 1996  
28 Supplement, are amended, paragraph (c) is added to subsection  
29 (1) of said section, and subsection (17) is added to said  
30 section to read:

31

1           61.30 Child support guidelines; retroactive child  
2 support.--

3           (1)

4           (b) The guidelines may provide the basis for proving a  
5 substantial change in circumstances upon which a modification  
6 of an existing order may be granted. However, the difference  
7 between the existing monthly obligation ~~order~~ and the amount  
8 provided for under the guidelines shall be at least 15 percent  
9 or \$50, whichever amount is greater, before the court may find  
10 that the guidelines provide a substantial change in  
11 circumstances.

12           (c) In Title IV-D cases reviewed pursuant to the  
13 3-year review and adjustment cycle, no change of circumstance  
14 need be proven to warrant a modification.

15           (2) Income shall be determined on a monthly basis for  
16 the obligor and for the obligee as follows:

17           (a) Gross income shall include, but is not limited to,  
18 the following items:

19           1. Salary or wages.

20           2. Bonuses, commissions, allowances, overtime, tips,  
21 and other similar payments.

22           3. Business income from sources such as  
23 self-employment, partnership, close corporations, and  
24 independent contracts. "Business income" means gross receipts  
25 minus ordinary and necessary expenses required to produce  
26 income.

27           4. Disability benefits.

28           5. Worker's compensation.

29           6. Unemployment compensation.

30           7. Pension, retirement, or annuity payments.

31           8. Social security benefits.

1           9. Spousal support received from a previous marriage  
2 or court ordered in the marriage before the court.

3           10. Interest and dividends.

4           11. Rental income, which is gross receipts minus  
5 ordinary and necessary expenses required to produce the  
6 income.

7           12. Income from royalties, trusts, or estates.

8           13. Reimbursed expenses or in kind payments to the  
9 extent that they reduce living expenses.

10          14. Gains derived from dealings in property, unless  
11 the gain is nonrecurring.

12          (b) Income on a monthly basis shall be imputed to an  
13 unemployed or underemployed parent when such employment or  
14 underemployment is found to be voluntary on that parent's  
15 part, absent physical or mental incapacity or other  
16 circumstances over which the parent has no control. In the  
17 event of such voluntary unemployment or underemployment, the  
18 employment potential and probable earnings level of the parent  
19 shall be determined based upon his or her recent work history,  
20 occupational qualifications, and prevailing earnings level in  
21 the community; however, the court may refuse to impute income  
22 to a primary residential parent if the court finds it  
23 necessary for the parent to stay home with the child.

24          (c) Public assistance as defined in s. 409.2554  
25 ~~Temporary assistance under the WAGES Program~~ shall be excluded  
26 from gross income.

27          (11) The court may adjust the minimum child support  
28 award, or either or both parent's share of the minimum child  
29 support award, based upon the following considerations:

30          (b) Independent income of the child, not to include  
31 moneys received by a child from supplemental security income.

1           (f) Special needs, such as costs that may be  
2 associated with the disability of a child,that have  
3 traditionally been met within the family budget even though  
4 the fulfilling of those needs will cause the support to exceed  
5 the proposed guidelines.

6           (16) The Legislature shall review the guidelines  
7 established in this section at least every 4 years beginning  
8 in, ~~and shall review the guidelines in~~ 1997.

9           (17) In an initial determination of child support,  
10 whether in a paternity action, dissolution of marriage action,  
11 or petition for support during the marriage, the court has  
12 discretion to award child support retroactive to the date when  
13 the parents did not reside together in the same household with  
14 the child, regardless of whether that date precedes the filing  
15 of the petition. In determining the retroactive award in such  
16 cases, the court shall consider the following:

17           (a) The court shall apply the guidelines in effect at  
18 the time of the hearing subject to the obligor's demonstration  
19 of his or her actual income, as defined by s. 61.30(2), during  
20 the retroactive period. Failure of the obligor to so  
21 demonstrate, shall result in the court using the obligor's  
22 income at the time of the hearing, in computing child support  
23 for the retroactive period.

24           (b) All actual payments made by the noncustodial  
25 parent to the custodial parent or the child or third parties  
26 for the benefit of the child throughout the proposed  
27 retroactive period.

28           (c) The court should consider an installment payment  
29 plan for the payment of retroactive child support.

30           Section 12. Task Force on Child Support Guidelines  
31 created; powers and duties.--The Task Force on Child Support

1 Guidelines is hereby created for the purpose of reviewing  
2 Florida's child support guidelines as set forth in s. 61.30,  
3 Florida Statutes, and reporting the results of such review and  
4 any recommended changes to the Governor, the President of the  
5 Senate, and the Speaker of the House of Representatives on or  
6 before July 1, 1998.

7 (1) The task force shall be housed in the Department  
8 of Revenue for administrative and fiscal accountability  
9 purposes only. The task force shall otherwise function  
10 independently of the control, supervision, and direction of  
11 the department.

12 (2) As part of its review, the task force must  
13 consider economic data on the cost of raising children and  
14 analyze case data on the application of and deviations from  
15 the guidelines. Such data must be used by the task force in  
16 the review to ensure that deviations from the guidelines are  
17 limited. Subject to the availability of funds, the Department  
18 of Revenue may contract with one or more corporations,  
19 agencies, individuals, or governmental entities to assist in  
20 accomplishing the review.

21 (3) The task force shall consist of not more than 17  
22 members. Thirteen members of the task force shall be appointed  
23 by the Governor, and shall include a male custodial parent, a  
24 female custodial parent, and a parent in an intact family. At  
25 least one of these parents shall be either a current or past  
26 recipient of temporary assistance for needy families. Other  
27 Governor's appointments shall include: two judges with family  
28 law experience, who shall be recommended by the Chief Justice  
29 of the Supreme Court, a person recommended by the state court  
30 administrator, a person recommended by the Child Support  
31 Enforcement program director, a representative of the Family

1 Law section of The Florida Bar, an attorney who is  
2 knowledgeable in child support, a representative of an  
3 established custodial parent's rights organization, a  
4 representative of an established noncustodial parent's rights  
5 organization, a representative of an established children's  
6 advocacy organization, and a social worker with a strong  
7 research background. The remaining four members of the task  
8 force shall consist of 2 members of the House of  
9 Representatives, appointed by the Speaker of the House of  
10 Representatives, and 2 members of the Senate appointed by the  
11 President of the Senate. The legislative members from each  
12 house shall not be members of the same political party. The  
13 parent representatives shall not be employees of public  
14 agencies or courts which deal with child support issues and  
15 the members shall be geographically representative of the  
16 state.

17 (4) All members of the task force shall be appointed  
18 within 30 days after this section becomes law. The terms of  
19 all members shall end with the presentation of the report  
20 required by this section. The Governor shall appoint the chair  
21 and vice chair of the task force from the members of the task  
22 force. Parent representatives who are members of the task  
23 force shall serve without compensation but shall be allowed  
24 per diem and travel expenses as provided in s. 112.061,  
25 Florida Statutes. Members of the task force who serve as  
26 members of the Legislature shall be reimbursed from the  
27 legislative budget. Members who are public employees shall be  
28 reimbursed from the budget of their respective agencies.

29 (5) The initial report prepared by the task force  
30 shall include recommendations for the future composition,  
31

1 member compensation, member terms, and funding of the task  
2 force.

3 Section 13. Subsections (7), (16), and (19) of section  
4 88.1011, Florida Statutes, 1996 Supplement, are amended to  
5 read:

6 88.1011 Definitions.--As used in this act:

7 (7) "Initiating state" means a state from ~~in~~ which a  
8 proceeding is forwarded or in which a proceeding is filed for  
9 forwarding to a responding state under this act or a law or  
10 procedure substantially similar to this act, the Uniform  
11 Reciprocal Enforcement of Support Act, or the Revised Uniform  
12 Reciprocal Enforcement of Support Act ~~is filed for forwarding~~  
13 ~~to a responding state.~~

14 (16) "Responding state" means a state in ~~to~~ which a  
15 proceeding is filed or to which a proceeding is forwarded for  
16 filing from an initiating state under this act or a law or  
17 procedure substantially similar to this act, the Uniform  
18 Reciprocal Enforcement of Support Act, or the Revised Uniform  
19 Reciprocal Enforcement of Support Act.

20 (19) "State" means a state of the United States, the  
21 District of Columbia, ~~the Commonwealth of Puerto Rico,~~ the  
22 United States Virgin Islands, or any territory or insular  
23 possession subject to the jurisdiction of the United States.  
24 The term "~~state~~" includes:

25 (a) An Indian tribe; ~~and includes~~

26 (b) A foreign jurisdiction that has enacted a law or  
27 established procedures for issuance and enforcement of support  
28 orders which are substantially similar to the procedures under  
29 this act, the Uniform Reciprocal Enforcement of Support Act,  
30 or the Revised Uniform Reciprocal Enforcement of Support Act,  
31 as determined by the Attorney General.

1           Section 14. The catchline of section 88.1021, Florida  
2 Statutes, 1996 Supplement, is amended to read:

3           88.1021 Tribunal of ~~this~~ state.--

4           Section 15. The catchline of section 88.2031, Florida  
5 Statutes, 1996 Supplement, is amended to read:

6           88.2031 Initiating and responding tribunal of ~~this~~  
7 state.--

8           Section 16. Paragraph (b) of subsection (1), and  
9 subsections (2), (3), and (4) of section 88.2051, Florida  
10 Statutes, 1996 Supplement, are amended to read:

11          88.2051 Continuing exclusive jurisdiction.--

12          (1) A tribunal of this state issuing a support order  
13 consistent with the law of this state has continuing exclusive  
14 jurisdiction over a child support order:

15          (b) Until all of the parties who are individuals have  
16 ~~each individual party has~~ filed written consents ~~consent~~ with  
17 the tribunal of this state for a tribunal of another state to  
18 modify the order and assume continuing exclusive jurisdiction.

19          (2) A tribunal of this state issuing a child support  
20 order consistent with the law of this state may not exercise  
21 its continuing jurisdiction to modify the order if the order  
22 has been modified by a tribunal of another state pursuant to  
23 this act or a law substantially similar to this act.

24          (3) If a child support order of this state is modified  
25 by a tribunal of another state pursuant to this act or a law  
26 substantially similar to this act, a tribunal of this state  
27 loses its continuing exclusive jurisdiction with regard to  
28 prospective enforcement of the order issued in this state, and  
29 may only:

30          (a) Enforce the order that was modified as to amounts  
31 accruing before the modification;

1 (b) Enforce nonmodifiable aspects of that order; and  
2 (c) Provide other appropriate relief for violations of  
3 that order which occurred before the effective date of the  
4 modification.

5 (4) A tribunal of this state shall recognize the  
6 continuing exclusive jurisdiction of a tribunal of another  
7 state which has issued a child support order pursuant to this  
8 act or a law substantially similar to this act.

9 Section 17. Section 88.2071, Florida Statutes, 1996  
10 Supplement, is amended to read:

11 (Substantial rewording of section. See  
12 s. 88.2071, F.S., 1996 Supp., for present text.)  
13 88.2071 Recognition of controlling child support  
14 order.--

15 (1) If a proceeding is brought under this act and only  
16 one tribunal has issued a child support order, the order of  
17 that tribunal controls and must be so recognized.

18 (2) If a proceeding is brought under this act, and two  
19 or more child support orders have been issued by tribunals of  
20 this state or another state with regard to the same obligor  
21 and child, a tribunal of this state shall apply the following  
22 rules in determining which order to recognize for purposes of  
23 continuing, exclusive jurisdiction:

24 (a) If only one of the tribunals would have  
25 continuing, exclusive jurisdiction under this act, the order  
26 of that tribunal controls and must be so recognized.

27 (b) If more than one of the tribunals would have  
28 continuing, exclusive jurisdiction under this act, an order  
29 issued by a tribunal in the current home state of the child  
30 controls and must be so recognized, but if an order has not  
31

1 been issued in the current home state of the child, the order  
2 most recently issued controls and must be so recognized.

3 (c) If none of the tribunals would have continuing,  
4 exclusive jurisdiction under this act, the tribunal of this  
5 state having jurisdiction over the parties shall issue a child  
6 support order, which controls and must be so recognized.

7 (3) If two or more child support orders have been  
8 issued for the same obligor and child and if the obligor or  
9 the individual obligee resides in this state, a party may  
10 request a tribunal of this state to determine which order  
11 controls and must be so recognized under subsection (2). The  
12 request must be accompanied by a certified copy of every  
13 support order in effect. The requesting party shall give  
14 notice of the request to each party whose rights may be  
15 affected by the determination.

16 (4) The tribunal that issued the controlling order  
17 under subsection (1), subsection (2), or subsection (3) is the  
18 tribunal that has continuing, exclusive jurisdiction under s.  
19 88.2051.

20 (5) A tribunal of this state which determines by order  
21 the identity of the controlling order under paragraph (2)(a)  
22 or (b) or which issues a new controlling order under paragraph  
23 (2)(c) shall state in that order the basis upon which the  
24 tribunal made its determination.

25 (6) Within 30 days after issuance of an order  
26 determining the identity of the controlling order, the party  
27 obtaining the order shall file a certified copy of it with  
28 each tribunal that issued or registered an earlier order of  
29 child support. A party who obtains the order and fails to  
30 file a certified copy is subject to appropriate sanctions by a  
31 tribunal in which the issues of failure to file arises. The

1 failure to file does not affect the validity or enforceability  
2 of the controlling order.

3 Section 18. Paragraph (g) of subsection (2) of section  
4 88.3011, Florida Statutes, 1996 Supplement, is amended to  
5 read:

6 88.3011 Proceedings under this act.--

7 (2) This act provides for the following proceedings:

8 (g) Assertion of jurisdiction over nonresidents  
9 pursuant to ss. 88.2011-88.2021 ~~88.201-88.202~~.

10 Section 19. The catchline to section 88.3031, Florida  
11 Statutes, 1996 Supplement, is amended to read:

12 88.3031 Application of law of ~~this~~ state.--Except as  
13 otherwise provided by this act, a responding tribunal of this  
14 state:

15 Section 20. Section 88.3041, Florida Statutes, 1996  
16 Supplement, is amended to read:

17 88.3041 Duties of initiating tribunal.--

18 (1) Upon the filing of a petition or comparable  
19 pleading authorized by this act, an initiating tribunal of  
20 this state shall forward three copies of the petition and its  
21 accompanying documents or a comparable pleading and its  
22 accompanying documents:

23 (a)~~(1)~~ To the responding tribunal or appropriate  
24 support enforcement agency in the responding state; or

25 (b)~~(2)~~ If the identity of the responding tribunal is  
26 unknown, to the state information agency of the responding  
27 state with a request that they be forwarded to the appropriate  
28 tribunal and that receipt be acknowledged.

29 (2) If a responding state has not enacted this act or  
30 a law or procedure substantially similar to this act, a  
31 tribunal of this state may issue a certificate or other

1 document and make findings required by the law of the  
2 responding state. If the responding state is a foreign  
3 jurisdiction, the tribunal may specify the amount of support  
4 sought and provide other documents necessary to satisfy the  
5 requirements of the responding state.

6 Section 21. Subsections (1) and (5) of section  
7 88.3051, Florida Statutes, 1996 Supplement, are amended to  
8 read:

9 88.3051 Duties and powers of responding tribunal.--

10 (1) When a responding tribunal of this state receives  
11 a petition or comparable pleading from an initiating tribunal  
12 or directly pursuant to s. 88.3011(3), it shall cause the  
13 petition or comparable pleading to be filed and notify the  
14 petitioner ~~by first class mail~~ where and when it was filed.

15 (5) If a responding tribunal of this state issues an  
16 order under this act, the tribunal shall send a copy of the  
17 order ~~by first class mail~~ to the petitioner and the respondent  
18 and to the initiating tribunal, if any.

19 Section 22. Section 88.3061, Florida Statutes, 1996  
20 Supplement, is amended to read:

21 88.3061 Inappropriate tribunal.--If a petition or  
22 comparable pleading is received by an inappropriate tribunal  
23 of this state, it shall forward the pleading and accompanying  
24 documents to an appropriate tribunal in this state or another  
25 state and notify the petitioner ~~by first class mail~~ where and  
26 when the pleading was sent.

27 Section 23. Paragraphs (d) and (e) of subsection (2)  
28 of section 88.3071, Florida Statutes, 1996 Supplement, are  
29 amended to read:

30 88.3071 Duties of support enforcement agency.--

31

1           (2) A support enforcement agency that is providing  
2 services to the petitioner as appropriate shall:

3           (d) Within 10 days, exclusive of Saturdays, Sundays,  
4 and legal holidays, after receipt of a written notice from an  
5 initiating, responding, or registering tribunal, send a copy  
6 of the notice ~~by first class mail~~ to the petitioner.

7           (e) Within 10 days, exclusive of Saturdays, Sundays,  
8 and legal holidays, after receipt of a written communication  
9 from the respondent or the respondent's attorney, send a copy  
10 of the communication ~~by first class mail~~ to the petitioner.

11           Section 24. Section 88.5011, Florida Statutes, 1996  
12 Supplement, is amended to read:

13           88.5011 Employer's receipt ~~Recognition~~ of  
14 income-withholding order of another state.--

15           ~~(1) An income-withholding order issued in another~~  
16 ~~state may be sent by first class mail to the person or entity~~  
17 ~~defined as the obligor's employer under the income deduction~~  
18 ~~law of this state or payor as defined by s. 61.046, without~~  
19 ~~first filing a petition or comparable pleading or registering~~  
20 ~~the order with a tribunal of this state. Upon receipt of the~~  
21 ~~order, the employer shall:~~

22           ~~(a) Treat an income-withholding order issued in~~  
23 ~~another state which appears regular on its face as if it had~~  
24 ~~been issued by a tribunal of this state.~~

25           ~~(b) Immediately provide a copy of the order to the~~  
26 ~~obligor.~~

27           ~~(c) Distribute the funds as directed in the~~  
28 ~~withholding order.~~

29           ~~(2) An obligor may contest the validity or enforcement~~  
30 ~~of an income-withholding order issued in another state in the~~  
31 ~~same manner as if the order had been issued by a tribunal of~~

1 ~~this state. Section 88.6041 (choice of law) applies to the~~  
2 ~~contest. The obligor shall give notice of the contest to any~~  
3 ~~support enforcement agency providing services to the obligee~~  
4 ~~and to:~~

5 ~~(a) The person or agency designated to receive~~  
6 ~~payments in the income withholding order; or~~

7 ~~(b) If no person or agency is designated, the obligee.~~

8 Section 25. Section 88.50211, Florida Statutes, is  
9 created to read:

10 88.50211 Employer's compliance with income-withholding  
11 order of another state.--

12 (1) Upon receipt of an income-withholding order, the  
13 obligor's employer shall immediately provide a copy of the  
14 order to the obligor.

15 (2) The employer shall treat an income-withholding  
16 order issued in another state which appears regular on its  
17 face as if it had been issued by a tribunal of this state.

18 (3) Except as otherwise provided by subsection (4) and  
19 s. 88.5031, the employer shall withhold and distribute the  
20 funds as directed in the withholding order by complying with  
21 the terms of the order which specify:

22 (a) The duration and amount of periodic payments of  
23 current child support, stated as a sum certain;

24 (b) The person or agency designated to receive  
25 payments and the address to which the payments are to be  
26 forwarded;

27 (c) Medical support, whether in the form of periodic  
28 cash payment, stated as a sum certain, or ordering the obligor  
29 to provide health insurance coverage for the child under a  
30 policy available through the obligor's employment;

31

1       (d) The amount of periodic payments of fees and costs  
2 for a support enforcement agency, the issuing tribunal, and  
3 the obligee's attorney, stated as sums certain; and

4       (e) The amount of periodic payments of arrearages and  
5 interest on arrearages, stated as sums certain.

6       (4) An employer shall comply with the law of the state  
7 of the obligor's principal place of employment for withholding  
8 from income with respect to:

9       (a) The employer's fee for processing an  
10 income-withholding order;

11       (b) The maximum amount permitted to be withheld from  
12 the obligor's income; and

13       (c) The times within which the employer must implement  
14 the withholding order and forward the child support payment.

15       Section 26. Section 88.5031, Florida Statutes, is  
16 created to read:

17       88.5031 Compliance with multiple income-withholding  
18 orders.--If the obligor's employer receives multiple  
19 income-withholding orders with respect to the earnings of the  
20 same obligor, the employer satisfies the terms of the multiple  
21 orders if the employer complies with the law of the state of  
22 the obligor's principal place of employment to establish the  
23 priorities for withholding and allocating income withheld for  
24 multiple child support obligees.

25       Section 27. Section 88.5041, Florida Statutes, is  
26 created to read:

27       88.5041 Immunity from civil liability.--An employer  
28 who complies with an income-withholding order issued in  
29 another state in accordance with this article is not subject  
30 to civil liability to an individual or agency with regard to  
31

1 the employer's withholding of child support from the obligor's  
2 income.

3 Section 28. Section 88.5051, Florida Statutes, is  
4 created to read:

5 88.5051 Penalties for noncompliance.--An employer who  
6 willfully fails to comply with an income-withholding order  
7 issued by another state and received for enforcement is  
8 subject to the same penalties that may be imposed for  
9 noncompliance with an order issued by a tribunal of this  
10 state.

11 Section 29. Section 88.5061, Florida Statutes, is  
12 created to read:

13 88.5061 Contest by obligor.--

14 (1) An obligor may contest the validity or enforcement  
15 of an income-withholding order issued in another state and  
16 received directly by an employer in this state in the same  
17 manner as if the order had been issued by a tribunal of this  
18 state. Section 88.6041, choice of law, applies to the  
19 contest.

20 (2) The obligor shall give notice of the contest to:

21 (a) A support enforcement agency providing services to  
22 the obligee;

23 (b) Each employer that has directly received an  
24 income-withholding order; and

25 (c) The person or agency designated to receive  
26 payments in the income-withholding order, or if no person or  
27 agency is designated, to the obligee.

28 Section 30. Section 88.5021, Florida Statutes, is  
29 transferred and renumbered as section 88.5071, Florida  
30 Statutes.

31

1           Section 31. Subsection (1) of section 88.6051, Florida  
2 Statutes, 1996 Supplement, is amended to read:

3           88.6051 Notice of registration of order.--

4           (1) When a support order or income-withholding order  
5 issued in another state is registered, the registering  
6 tribunal shall notify the nonregistering party. ~~Notice must~~  
7 ~~be given by first class, certified, or registered mail or by~~  
8 ~~any means of personal service authorized by the law of this~~  
9 ~~state.~~The notice must be accompanied by a copy of the  
10 registered order and the documents and relevant information  
11 accompanying the order.

12           Section 32. Subsections (1) and (3) of section  
13 88.6061, Florida Statutes, 1996 Supplement, are amended to  
14 read:

15           88.6061 Procedure to contest validity or enforcement  
16 of registered order.--

17           (1) A nonregistering party seeking to contest the  
18 validity or enforcement of a registered order in this state  
19 shall request a hearing within 20 days after ~~the date of~~  
20 ~~mailing or personal service of notice of the registration.~~  
21 The nonregistering party may seek to vacate the registration,  
22 to assert any defense to an allegation of noncompliance with  
23 the registered order, or to contest the remedies being sought  
24 or the amount of any alleged arrearages pursuant to s.  
25 88.6071.

26           (3) If a nonregistering party requests a hearing to  
27 contest the validity or enforcement of the registered order,  
28 the registering tribunal shall schedule the matter for hearing  
29 and give notice to the parties ~~by first class mail~~ of the  
30 date, time, and place of the hearing.

31

1 Section 33. Section 88.6111, Florida Statutes, 1996  
2 Supplement, is amended to read:

3 88.6111 Modification of child support order of another  
4 state.--

5 (1) After a child support order issued in another  
6 state has been registered in this state, the responding  
7 tribunal of this state may modify that order only if, s.  
8 88.6131 does not apply and after notice and hearing, it finds  
9 that:

10 (a) The following requirements are met:

11 1. The child, the individual obligee, and the obligor  
12 do not reside in the issuing state;

13 2. A petitioner who is a nonresident of this state  
14 seeks modification; and

15 3. The respondent is subject to the personal  
16 jurisdiction of the tribunal of this state; or

17 (b) ~~An individual party or~~ The child, or a party who  
18 is an individual, is subject to the personal jurisdiction of  
19 the tribunal of this state and all of the ~~individual~~ parties  
20 who are individuals have filed a written consents consent in  
21 the issuing tribunal for ~~providing that~~ a tribunal of this  
22 state to ~~may~~ modify the support order and assume continuing  
23 exclusive jurisdiction over the order. However, if the  
24 issuing state is a foreign jurisdiction that has not enacted a  
25 law or established procedures substantially similar to the  
26 procedures under this act, the consent otherwise required of  
27 an individual residing in this state is not required for the  
28 tribunal to assume jurisdiction to modify the child support  
29 order.

30 (2) Modification of a registered child support order  
31 is subject to the same requirements, procedures, and defenses

1 that apply to the modification of an order issued by a  
2 tribunal of this state and the order may be enforced and  
3 satisfied in the same manner.

4 (3) A tribunal of this state may not modify any aspect  
5 of a child support order that may not be modified under the  
6 law of the issuing state. If two or more tribunals have  
7 issued child support orders for the same obligor and child,  
8 the order that controls and must be so recognized under s.  
9 88.2071 establishes the aspects of the support order which are  
10 nonmodifiable.

11 (4) On issuance of an order modifying a child support  
12 order issued in another state, a tribunal of this state  
13 becomes the tribunal of continuing exclusive jurisdiction.

14 ~~(5) Within 30 days after issuance of a modified child~~  
15 ~~support order, the party obtaining the modification shall file~~  
16 ~~a certified copy of the order with the issuing tribunal which~~  
17 ~~had continuing exclusive jurisdiction over the earlier order,~~  
18 ~~and in each tribunal in which the party knows that earlier~~  
19 ~~order has been registered.~~

20 Section 34. Section 88.6121, Florida Statutes, 1996  
21 Supplement, is amended to read:

22 88.6121 Recognition of order modified in another  
23 state.--A tribunal of this state shall recognize a  
24 modification of its earlier child support order by a tribunal  
25 of another state which assumed jurisdiction pursuant to this  
26 act or a law substantially similar to this act and, upon  
27 request, except as otherwise provided in this act, shall:

28 (1) Enforce the order that was modified only as to  
29 amounts accruing before the modification.

30 (2) Enforce only nonmodifiable aspects of that order.

31

1 (3) Provide other appropriate relief only for  
2 violations of that order which occurred before the effective  
3 date of the modification.

4 (4) Recognize the modifying order of the other state,  
5 upon registration, for the purpose of enforcement.

6 Section 35. Section 88.6131, Florida Statutes, is  
7 created to read:

8 88.6131 Jurisdiction to modify child support order of  
9 another state when individual parties reside in this state.--

10 (1) If all of the parties who are individuals reside  
11 in this state and the child does not reside in the issuing  
12 state, a tribunal of this state has jurisdiction to enforce  
13 and to modify the issuing state's child support order in a  
14 proceeding to register that order.

15 (2) A tribunal of this state exercising jurisdiction  
16 under this section shall apply the provisions of parts I and  
17 II, this part and the procedural and substantive law of this  
18 state to the proceeding for enforcement or modification.  
19 Parts III through V, and parts VII and VIII do not apply.

20 Section 36. Section 88.6141, Florida Statutes, is  
21 created to read:

22 88.6141 Notice to issuing tribunal of  
23 modifications.--Within 30 days after issuance of a modified  
24 child support order, the party obtaining the modification  
25 shall file a certified copy of the order with the issuing  
26 tribunal that had continuing exclusive jurisdiction over the  
27 earlier order, and in each tribunal in which the party knows  
28 the earlier order has been registered. A party who obtains  
29 the order and fails to file a certified copy is subject to  
30 appropriate sanctions by a tribunal in which the issue of  
31 failure to file arises. The failure to file does not affect

1 the validity or enforceability of the modified order of the  
2 new tribunal having continuing exclusive jurisdiction.

3 Section 37. Subsection (1) of section 88.7011, Florida  
4 Statutes, 1996 Supplement, is amended to read:

5 88.7011 Proceeding to determine parentage.--

6 (1) A tribunal of this state may serve as an  
7 initiating or responding tribunal in a proceeding brought  
8 under this act or a law or procedure substantially similar to  
9 this act, the Uniform Reciprocal Enforcement of Support Act,  
10 or the Revised Uniform Reciprocal Enforcement of Support Act  
11 to determine that the petitioner is a parent of a particular  
12 child or to determine that a respondent is a parent of that  
13 child.

14 Section 38. Section 88.9051, Florida Statutes, is  
15 created to read:

16 88.9051 Authority to adopt rules.--The department  
17 shall have the authority to adopt rules to implement this  
18 chapter.

19 Section 39. Subsection (15) of section 213.053,  
20 Florida Statutes, 1996 Supplement, as amended by chapters  
21 95-272 and 96-406, Laws of Florida, is amended to read:

22 213.053 Confidentiality and information sharing.--

23 (15) The department may disclose confidential taxpayer  
24 information ~~location information limited to the names and~~  
25 ~~addresses~~ contained in returns, reports, accounts, or  
26 declarations filed with the department by persons subject to  
27 any state or local a tax enumerated in s. 213.05 to the  
28 Division of Child Support Enforcement to assist in the  
29 location of parents who owe or potentially owe a duty of  
30 support pursuant to Title IV-D of the Social Security Act,  
31 their assets, their income, and their employer. Additionally,

1 ~~the department may disclose asset information limited to the~~  
2 ~~number of units, value, and description of all intangible~~  
3 ~~personal property contained in returns, reports, accounts, or~~  
4 ~~declarations filed with the department by persons subject to~~  
5 ~~the tax imposed in chapter 199 to the Division of Child~~  
6 ~~Support Enforcement to assist in the location of assets owned~~  
7 ~~by parents who owe or potentially owe a duty of support~~  
8 ~~pursuant to Title IV-D of the Social Security Act. Nothing in~~  
9 this subsection authorizes the disclosure of information if  
10 such disclosure is prohibited by federal law. Employees of the  
11 Division of Child Support Enforcement are bound by the same  
12 requirements of confidentiality and the same penalties for  
13 violation of the requirements as the department.

14 Section 40. Paragraph (a) of subsection (1) of section  
15 231.17, Florida Statutes, 1996 Supplement, is amended to read:

16 231.17 Official statements of eligibility and  
17 certificates granted on application to those meeting  
18 prescribed requirements.--

19 (1) REQUIREMENTS.--

20 (a) Each person seeking certification pursuant to this  
21 chapter shall submit a completed application to the Department  
22 of Education and remit the fee required pursuant to s. 231.30.  
23 Applications submitted shall contain the applicant's social  
24 security number. Pursuant to the federal Personal  
25 Responsibility and Work Opportunity Reconciliation Act of  
26 1996, each party is required to provide his or her social  
27 security number in accordance with this section. Disclosure  
28 of social security numbers obtained through this requirement  
29 shall be limited to the purpose of administration of the Title  
30 IV-D program for child support enforcement.

31

1           Section 41. Subsection (1) of section 320.05, Florida  
2 Statutes, 1996 Supplement, is amended to read:

3           320.05 Records of the department; inspection  
4 procedure; lists and searches; fees.--

5           (1) Upon receipt of an application for the  
6 registration of a motor vehicle or mobile home, as herein  
7 provided for, the department shall register the motor vehicle  
8 or mobile home under the distinctive number assigned to such  
9 motor vehicle or mobile home by the department, which  
10 registration record shall be open to the inspection of the  
11 public during business hours. Information on a motor vehicle  
12 registration may not be made available to a person unless the  
13 person requesting the information furnishes positive proof of  
14 identification. The agency that furnishes a motor vehicle  
15 registration record shall record the name and address of any  
16 person other than a representative of a law enforcement agency  
17 who requests and receives information from a motor vehicle  
18 registration record and shall also record the name and address  
19 of the person who is the subject of the inquiry or other  
20 information identifying the entity about which information is  
21 requested. A record of each such inquiry must be maintained  
22 for a period of 6 months from the date upon which the  
23 information was released to the inquirer. Nothing in this  
24 section shall prohibit any financial institution, insurance  
25 company, motor vehicle dealer, licensee under chapter 493,  
26 attorney, or other agency which the department determines has  
27 the right to know from obtaining, for professional or business  
28 use only, information in such records from the department  
29 through any means of telecommunication pursuant to a code  
30 developed by the department providing all fees specified in  
31 subsection (2) have been paid. The department shall disclose

1 records or information to the child support enforcement agency  
2 to assist in the location of individuals who owe or  
3 potentially owe child support or to whom such an obligation is  
4 owed pursuant to Title IV-D of the Social Security Act.

5 Section 42. Paragraph (a) of subsection (1) of section  
6 382.008, Florida Statutes, 1996 Supplement, is amended to  
7 read:

8 382.008 Death and fetal death registration.--

9 (1) A certificate for each death and fetal death which  
10 occurs in this state shall be registered with the local  
11 registrar of the district in which the death occurred within 5  
12 days after such death and prior to final disposition or  
13 removal of the dead body or fetus from the state, and shall be  
14 registered by such registrar if it has been completed and  
15 filed in accordance with this chapter:

16 (a) The certificate of death or fetal death shall be  
17 in the form prescribed by the department, and shall include  
18 the decedent's social security number, if available;

19 Section 43. Subsection (1) and paragraph (b) of  
20 subsection (2) of section 382.013, Florida Statutes, are  
21 amended to read:

22 382.013 Certificate of birth; registration.--

23 (1) A certificate of birth for each live birth which  
24 occurs in this state shall be registered within 5 days after  
25 such birth with the local registrar of the district in which  
26 the birth occurred and shall be filed by the state office if  
27 it has been completed and registered in accordance with this  
28 section. The information regarding registered births shall be  
29 used for comparison with information in the state case  
30 registry, as defined in chapter 61.

31 (2)

1           (b) If the mother is not married at the time of birth,  
2 the person in charge of the institution or that person's  
3 designated representative shall, after giving notice, orally  
4 and in writing of the alternatives to, the legal consequences  
5 of, and the rights, including, if one parent is a minor, any  
6 rights afforded due to minority status, and responsibilities  
7 that arise from, signing an acknowledgment of paternity, give  
8 the mother and the person to be named as the father the  
9 consent affidavit provided for in paragraph (6)(b) as well as  
10 information provided by the Title IV-D agency established  
11 pursuant to s. 409.2557 regarding the benefits of voluntary  
12 establishment of paternity. The person in charge of the  
13 institution or the designated representative, when requested  
14 by the mother and the person to be named as the father, shall  
15 assist in the execution of said consent affidavit.

16           Section 44. Paragraph (g) of subsection (2) of section  
17 383.0112, Florida Statutes, 1996 Supplement, is amended to  
18 read:

19           383.0112 The Commission on Responsible Fatherhood;  
20 purpose; principles and responsibilities.--The purpose of the  
21 Commission on Responsible Fatherhood is to raise awareness of  
22 the problems created when a child grows up without the  
23 presence of a responsible father, to identify obstacles that  
24 impede or prevent the involvement of responsible fathers in  
25 the lives of their children, and to identify strategies that  
26 are successful in encouraging responsible fatherhood.

27           (2) RESPONSIBILITIES.--In order to carry out the  
28 purpose of this section and s. 383.0113, subject to the  
29 availability of funds, the commission shall:

30           (g) Sponsor a statewide symposium on the issue of  
31 responsible fatherhood no later than December 1997 ~~1996~~.

1 Section 45. Section 383.0113, Florida Statutes, 1996  
2 Supplement, is amended to read:

3 383.0113 Commission on Responsible Fatherhood;  
4 creation; membership; powers and duties.--There is created the  
5 Commission on Responsible Fatherhood in the Department of  
6 Health ~~and Rehabilitative Services~~.

7 (1) The commission shall consist of 26 ~~not more than~~  
8 25 members, as provided in this subsection and subsection (2)  
9 follows:

10 (a) Eleven ~~Seven~~ members to be appointed by the  
11 Governor. The appointments shall represent the various  
12 organizations and individuals who have expertise in service  
13 delivery in the area of responsible fatherhood.

14 ~~(b) The executive director of the Florida Center for~~  
15 ~~Children and Youth or the director's designee.~~

16 ~~(c) The executive director of the Florida Coalition~~  
17 ~~Against Domestic Violence or the director's designee.~~

18 ~~(b)(d)~~ A judge, to be appointed by the Chief Justice  
19 of the Supreme Court to serve a 2-year term.

20 ~~(e) A representative of Healthy Start, to be chosen by~~  
21 ~~the Florida Association of Healthy Start Coalitions.~~

22 ~~(c)(f)~~ Two members of the House of Representatives  
23 from different political parties, to be appointed by the  
24 Speaker.

25 ~~(d)(g)~~ Two members of the Senate from different  
26 political parties, to be appointed by the President.

27 ~~(h) A representative from the Florida Association of~~  
28 ~~Beans and Directors of Schools and departments of social work~~  
29 ~~from Florida colleges and universities.~~

30 ~~(i) A representative of the Florida chapter of the~~  
31 ~~National Congress for Fathers and Children.~~

1           ~~(j) A representative of Men Against Destruction,~~  
2 ~~Defending Against Drugs and Social Disorder (MAD DADS).~~

3           ~~(k) A representative of the Family Law Section of The~~  
4 ~~Florida Bar Association.~~

5           ~~(l) A representative of the American Association of~~  
6 ~~Retired Persons.~~

7           ~~(m) A representative of the Florida Chamber of~~  
8 ~~Commerce.~~

9           ~~(n) A representative from the Florida Family Council.~~

10           ~~(e)~~(o) Three additional members to be appointed by the  
11 other members of the commission based on specific needs to  
12 serve a 1-year term.

13           (2) The following representatives of state agencies  
14 shall serve on the commission ~~Technical assistance will be~~  
15 ~~provided to the commission by the following:~~

16           (a) The Secretary of Children and Family Health and  
17 ~~Rehabilitative~~ Services, or the secretary's designee.

18           (b) The Commissioner of Education, or the  
19 commissioner's designee.

20           (c) The Secretary of Labor and Employment Security, or  
21 the secretary's designee.

22           (d) The executive director of the Department of  
23 Revenue, or the director's designee. The designee shall have  
24 experience with child support enforcement programs.

25           (e) The Secretary of Health, or the secretary's  
26 designee. The designee must have experience with  
27 community-based prenatal and infant health care coalitions as  
28 established under s. 383.216. ~~A representative of The Parent~~  
29 ~~Network of Florida.~~

30  
31

1           (f) The Secretary of Corrections, or the secretary's  
2 designee.~~A representative of the Florida Network of Youth and~~  
3 ~~Family Services.~~

4           (g) The secretary of the Department of Juvenile  
5 Justice or the secretary's designee.

6  
7 ~~Per diem and travel expenses for the individuals providing~~  
8 ~~technical assistance is to be provided from the budgets of~~  
9 ~~those agencies.~~

10           (3) All members of the commission, other than the  
11 Governor's appointments and the commission's appointments,  
12 must be appointed by July 1 of each year ~~within 30 days after~~  
13 ~~this section, s. 383.0112, and s. 383.0114 become law.~~ The  
14 appointments of the Governor shall be made 30 days after the  
15 other appointments, to allow for the composition of the  
16 commission to be broadly reflective of the public. Any member  
17 may be reappointed. The chairperson and vice chairperson of  
18 the commission shall be appointed by the Governor and shall  
19 serve for 2 years. The commission is encouraged to appoint  
20 subcommittees, including regional subcommittees, that include  
21 citizens who are knowledgeable in a subject area but who are  
22 not members of the commission and who may not vote on the  
23 final report and recommendations of the commission, but may  
24 submit reports and recommendations for review by the  
25 commission and may be invited to testify to the commission by  
26 a member of the commission.

27           (4) Members appointed by the Governor shall be  
28 appointed for 2-year terms. However, initial terms of less  
29 than 2 years may be utilized to ensure that no more than 8  
30 members' terms expire during the same calendar year.

31

1           (5) Terms of appointees who are serving on the  
2 commission on the effective date of this act shall expire June  
3 30, 1997.

4           ~~(6)(4) The commission shall hold its first meeting~~  
5 ~~within 30 days after the appointments, except the Governor's~~  
6 ~~and the commission's appointments, are made.~~Members of the  
7 commission shall serve without compensation but shall be  
8 allowed per diem and travel expenses, as provided in s.  
9 112.061. Per diem and travel expenses of members of the  
10 commission employed by the State of Florida are to be provided  
11 from the budgets of those employing agencies. Members of the  
12 commission who serve as members of the Legislature are to be  
13 reimbursed from the legislative budget.

14           ~~(7)(5)~~ The commission shall meet as the resources of  
15 the commission allow.

16           ~~(8)(6)~~ Subject to the availability of funds, the  
17 department of ~~Health and Rehabilitative Services~~ is directed  
18 to contract with one or more corporations, agencies,  
19 individuals, or governmental entities to accomplish the goals  
20 of s. 383.0112 and this section. The department of ~~Health and~~  
21 ~~Rehabilitative Services~~ must ensure that the corporations,  
22 agencies, individuals, or governmental entities, either  
23 separately or together, are able to provide staff support  
24 services and must have the research ability to carry out the  
25 purposes and responsibilities of the commission.

26           ~~(9)(7)~~ The commission shall have the authority to  
27 apply for grants and accept private contributions.

28           ~~(10)(8)~~ The commission is assigned to the department  
29 of ~~Health and Rehabilitative Services~~ for administrative and  
30 fiscal accountability purposes, but it shall otherwise  
31

1 function independently of the control, supervision, and  
2 direction of the department.

3 (11)~~(9)~~ The Governor may remove any member of the  
4 commission for cause.

5 (12)~~(10)~~ The commission shall develop a budget  
6 pursuant to the provisions of chapter 216. The budget is not  
7 subject to change by the department staff after it has been  
8 approved by the commission, but it shall be transmitted to the  
9 Governor along with the budget of the department.

10 Section 46. Section 383.216, Florida Statutes, is  
11 amended to read:

12 383.216 Community-based prenatal and infant health  
13 care.--

14 (1) The Department of Health ~~and Rehabilitative~~  
15 ~~Services~~ shall cooperate with localities which wish to  
16 establish prenatal and infant health care coalitions, and  
17 shall acknowledge and incorporate, if appropriate, existing  
18 community children's services organizations, pursuant to this  
19 section within the resources allocated. The purpose of this  
20 program is to establish a partnership among the private  
21 sector, the public sector, state government, local government,  
22 community alliances, and maternal and child health care  
23 providers, for the provision of coordinated community-based  
24 prenatal and infant health care. The prenatal and infant  
25 health care coalitions must work in a coordinated,  
26 nonduplicative manner with local health planning councils  
27 established pursuant to s. 408.033.

28 (2) Each prenatal and infant health care coalition  
29 shall develop, in coordination with the department ~~of Health~~  
30 ~~and Rehabilitative Services~~, a plan which shall include at a  
31 minimum provision to:

1           (a) Perform community assessments, using the Planned  
2 Approach to Community Health (PATCH) process, to identify the  
3 local need for comprehensive preventive and primary prenatal  
4 and infant health care. These assessments shall be used to:  
5           1. Determine the priority target groups for receipt of  
6 care.  
7           2. Determine outcome performance objectives jointly  
8 with the department.  
9           3. Identify potential local providers of services.  
10           4. Determine the type of services required to serve  
11 the identified priority target groups.  
12           5. Identify the unmet need for services for the  
13 identified priority target groups.  
14           (b) Design a prenatal and infant health care services  
15 delivery plan which is consistent with local community  
16 objectives and this section.  
17           (c) Solicit and select local service providers based  
18 on reliability and availability, and define the role of each  
19 in the services delivery plan.  
20           (d) Determine the allocation of available federal,  
21 state, and local resources to prenatal and infant health care  
22 providers.  
23           (e) Review, monitor, and advise the department  
24 concerning the performance of the services delivery system,  
25 and make any necessary annual adjustments in the design of the  
26 delivery system, the provider composition, the targeting of  
27 services, and other factors necessary for achieving projected  
28 outcomes.  
29           (f) Build broad-based community support.  
30           (3) Each prenatal and infant health care coalition  
31 shall identify and encourage community-based approaches that

1 promote successful strategies for involving responsible  
2 fathers in the lives of their children.

3 (4)~~(3)~~ Supervision of the prenatal and infant health  
4 care coalitions is the responsibility of the department. The  
5 department shall:

6 (a) Assist in the formation and development of the  
7 coalitions.

8 (b) Define the core services package so that it is  
9 consistent with the prenatal and infant health care services  
10 delivery plan.

11 (c) Provide data and technical assistance.

12 (d) Assure implementation of a quality management  
13 system within the provider coalition.

14 (e) Define statewide, uniform eligibility and fee  
15 schedules.

16 (f) Evaluate provider performance based on outcome  
17 measures established by the prenatal and infant health care  
18 coalition and the department.

19 (5)~~(4)~~ In those communities which do not elect to  
20 establish a prenatal and infant health care coalition, the  
21 department ~~of Health and Rehabilitative Services~~ is  
22 responsible for all of the functions delegated to the  
23 coalitions in this section.

24 (6)~~(5)~~ The membership of each prenatal and infant  
25 health care coalition shall represent health care providers,  
26 the recipient community, and the community at large; shall  
27 represent the racial, ethnic, and gender composition of the  
28 community; and shall include at least the following:

29 (a) Consumers of family planning, primary care, or  
30 prenatal care services, at least two of whom are low-income or  
31 Medicaid eligible.

- 1 (b) Health care providers, including:  
2 1. County ~~public~~ health departments ~~units~~.  
3 2. Migrant and community health centers.  
4 3. Hospitals.  
5 4. Local medical societies.  
6 5. Local health planning organizations.  
7 (c) Local health advocacy interest groups and  
8 community organizations.  
9 (d) County and municipal governments.  
10 (e) Social service organizations.  
11 (f) Local education communities.  
12 (7)~~(6)~~ Prenatal and infant health care coalitions may  
13 be established for single counties or for services delivery  
14 catchment areas. A prenatal and infant health care coalition  
15 shall be initiated at the local level on a voluntary basis.  
16 Once a coalition has been organized locally and includes the  
17 membership specified in subsection (6)~~(5)~~, the coalition must  
18 submit a list of its members to the Secretary of Health ~~and~~  
19 ~~Rehabilitative Services~~ to carry out the responsibilities  
20 outlined in this section.  
21 (8)~~(7)~~ Effective January 1, 1992, the department ~~of~~  
22 ~~Health and Rehabilitative Services~~ shall provide up to  
23 \$150,000 to each prenatal and infant health care coalition  
24 that petitions for recognition, meets the membership criteria,  
25 demonstrates the commitment of all the designated members to  
26 participate in the coalition, and provides a local cash or  
27 in-kind contribution match of 25 percent of the costs of the  
28 coalition. An in-kind contribution match may be in the form of  
29 staff time, office facilities, or supplies or other materials  
30 necessary for the functioning of the coalition.  
31

1        (9)~~(8)~~ Local prenatal and infant health care  
2 coalitions may hire staff or contract for independent staffing  
3 and support to enable them to carry out the objectives of this  
4 section. Staff shall have knowledge and expertise in  
5 community health and related resources and planning, grant  
6 writing, public information and communication techniques,  
7 organizational development, and data compilation and analysis.

8        (10)~~(9)~~ Local prenatal and infant health care  
9 coalitions shall incorporate as not-for-profit corporations  
10 for the purpose of seeking and receiving grants from federal,  
11 state, and local government and other contributors.

12        (11)~~(10)~~ The department of ~~Health and Rehabilitative~~  
13 ~~Services~~ shall adopt rules as necessary to implement this  
14 section, including rules defining acceptable "in-kind"  
15 contributions.

16        Section 47. Paragraph (a) of subsection (3) of section  
17 402.308, Florida Statutes, is amended to read:

18        402.308 Issuance of license.--

19        (3) STATE ADMINISTRATION OF LICENSING.--In any county  
20 in which the department has the authority to issue licenses,  
21 the following procedures shall be applied:

22        (a) Application for a license or for a renewal of a  
23 license to operate a child care facility shall be made in the  
24 manner and on the forms prescribed by the department. The  
25 applicant's social security number shall be included on the  
26 form submitted to the department. Pursuant to the federal  
27 Personal Responsibility and Work Opportunity Reconciliation  
28 Act of 1996, each applicant is required to provide his or her  
29 social security number in accordance with this section.  
30 Disclosure of social security numbers obtained through this  
31

1 requirement shall be limited to the purpose of administration  
2 of the Title IV-D program for child support enforcement.

3 Section 48. The introductory paragraph of section  
4 409.2554, Florida Statutes, 1996 Supplement, is amended to  
5 read:

6 409.2554 Definitions.--As used in ss.  
7 409.2551-409.2598 ~~409.2551-409.2597~~, the term:

8 Section 49. Section 409.25575, Florida Statutes, is  
9 created to read:

10 409.25575 Child support enforcement; privatization.--

11 (1) It is the intent of the Legislature to encourage  
12 the Department of Revenue to contract with private entities  
13 for the provision of child support enforcement services  
14 whenever such contracting is cost-effective.

15 (2) The department shall contract for the delivery,  
16 administration, or management of child support enforcement  
17 activities and other related services or programs, when  
18 appropriate. The department shall retain responsibility for  
19 the quality of contracted services and programs and shall  
20 ensure that services are delivered in accordance with  
21 applicable federal and state statutes and regulations.

22 (3)(a) The department shall establish a quality  
23 assurance program for the privatization of services. The  
24 quality assurance program must include standards for each  
25 specific component of these services. The department shall  
26 establish minimum thresholds for each component. Each program  
27 operated pursuant to contract must be evaluated annually by  
28 the department or by an objective competent entity designated  
29 by the department under the provisions of the quality  
30 assurance program. The evaluation must be financed from cost  
31 savings associated with the privatization of services. The

1 department shall submit an annual report regarding quality  
2 performance, outcome measure attainment, and cost efficiency  
3 to the President of the Senate, the Speaker of the House of  
4 Representatives, the Minority leader of each house of the  
5 Legislature, and the Governor no later than January 31 of each  
6 year, beginning in 1999. The quality assurance program must be  
7 financed through administrative savings generated by this act.

8 (b) The department shall establish and operate a  
9 comprehensive system to measure and report annually the  
10 outcomes and effectiveness of the services that have been  
11 privatized. The department shall use these findings in making  
12 recommendations to the Governor and the Legislature for future  
13 program and funding priorities in the child support  
14 enforcement system.

15 (4)(a) Any entity contracting to provide child support  
16 enforcement services under this section must comply with all  
17 statutory requirements and agency regulations in the provision  
18 of contractual services.

19 (b) Any entity contracting to provide child support  
20 enforcement services under this section must also participate  
21 in and cooperate with any federal program that will assist in  
22 the maximization of federal supports for these services, as  
23 directed by the department.

24 Section 50. Subsection (1) of section 409.2561,  
25 Florida Statutes, 1996 Supplement, is amended to read:

26 409.2561 Public assistance payments; reimbursement of  
27 obligation to department; assignment of rights; subrogation;  
28 medical and health insurance information.--

29 (1) Any payment of public assistance money made to, or  
30 for the benefit of, any dependent child creates an obligation  
31 in an amount equal to the amount of public assistance paid. If

1 there has been a prior court order or final judgment of  
2 dissolution of marriage establishing an obligation of support,  
3 the obligation is limited to the amount provided by such court  
4 order or decree pursuant to the applicable child support  
5 guidelines in s. 61.30. The obligor shall discharge the  
6 reimbursement obligation. If the obligor fails to discharge  
7 the reimbursement obligation, the department may apply for a  
8 contempt order to enforce reimbursement for support furnished.  
9 The extraordinary remedy of contempt is applicable in child  
10 support enforcement cases because of the public necessity for  
11 ensuring that dependent children be maintained from the  
12 resources of their parents, thereby relieving, at least in  
13 part, the burden presently borne by the general citizenry  
14 through the public assistance program. If there is no prior  
15 court order establishing an obligation of support, the court  
16 shall establish the liability of the obligor, if any, for  
17 reimbursement of public assistance moneys paid, by applying  
18 the child support guidelines in s. 61.30 for the public  
19 assistance period. Priority shall be given to establishing  
20 continuing reasonable support for the dependent child. The  
21 department may apply for modification of a court order on the  
22 same grounds as either party to the cause and shall have the  
23 right to settle and compromise actions brought pursuant to  
24 law.

25 Section 51. Effective October 1, 1997, subsection (1)  
26 of section 409.2564, Florida Statutes, 1996 Supplement, is  
27 amended and subsections (8), (9), (10), (11), (12), and (13)  
28 are added to said section, to read:

29 409.2564 Actions for support.--

30 (1) In each case in which regular support payments are  
31 not being made as provided herein, the department shall

1 institute, within 30 days after determination of the obligor's  
2 reasonable ability to pay, action as is necessary to secure  
3 the obligor's payment of current support and any arrearage  
4 which may have accrued under an existing order of support.  
5 The department shall notify the program attorney in the  
6 judicial circuit in which the recipient resides setting forth  
7 the facts in the case, including the obligor's address, if  
8 known, and the public assistance case number. Whenever  
9 applicable, the procedures established under the provisions of  
10 chapter 88, Uniform Interstate Family Support Act ~~Uniform~~  
11 ~~Reciprocal Enforcement of Support~~, and chapter 61, Dissolution  
12 of Marriage; Support; Custody, and chapter 39, Proceedings  
13 Relating to Juveniles, may govern actions instituted under the  
14 provisions of this act, except that actions for support under  
15 chapter 39 brought pursuant to this act shall not require any  
16 additional investigation or supervision by the department.

17 (8) The director of the Title IV-D agency, or the  
18 director's designee, is authorized to subpoena financial and  
19 other information from any person necessary to establish,  
20 modify, or enforce a child support order. The agency is  
21 authorized to impose a fine for failure to comply with the  
22 subpoena.

23 (a) For the purpose of any investigation under this  
24 chapter, any designated employee may administer oaths or  
25 affirmations, subpoena witnesses and compel their attendance,  
26 take evidence and require the production of any matter which  
27 is relevant to the investigation, including the existence,  
28 description, nature, custody, condition, and location of any  
29 books, documents, or other tangible things and the identity  
30 and location of persons having knowledge of relevant facts or  
31

1 any other matter reasonably calculated to lead to the  
2 discovery of material evidence.

3 (b) Prior to issuance of a fine, the department shall  
4 issue a written notification of noncompliance. Failure to  
5 comply within 15 days of receipt of the written notification  
6 without good cause may result in the agency taking the  
7 following actions:

8 1. Imposition of an administrative fine of not more  
9 than \$500;

10 2. The application by the Title IV-D agency to the  
11 circuit court for an order compelling compliance. The person  
12 shall be liable for attorney's fees and costs associated with  
13 the department bringing this action upon showing by the  
14 department that the employer failed to comply with the  
15 request.

16 (c) All fines collected pursuant to this section shall  
17 be made payable to the Child Support Enforcement Application  
18 Fee and Program Revenue Trust Fund.

19 (9) In cases in which support is subject to an  
20 assignment as required under s. 409.2561(2), the Title IV-D  
21 agency shall, upon providing notice to the obligor and  
22 obligee, direct the obligor or other payor to change the payee  
23 to the appropriate depository.

24 (10)(a) For the purpose of securing delinquent  
25 support, the Title IV-D agency may increase the amount of the  
26 monthly child support obligation to include amounts for  
27 delinquencies, subject to such conditions or limitations as  
28 set forth in paragraph (b).

29 (b) In child support obligations not subject to income  
30 deduction, the Title IV-D agency shall notify the obligor of  
31 his or her delinquency and of the department's intent to

1 require an additional 20 percent of the monthly obligation  
2 amount to allow for collection of the delinquency unless,  
3 within 20 days, the obligor:

4 1. Pays the delinquency in full; or

5 2. Files a petition with the circuit court to contest  
6 the delinquency action.

7 (11) For the purposes of denial, revocation, or  
8 limitation of an individual's United States Passport,  
9 consistent with 42 U.S.C. s. 452(1)(k), the Title IV-D agency  
10 shall have procedures to certify to the Secretary of the  
11 United States Department of Health and Human Services, in the  
12 format and accompanied by such supporting documentation as the  
13 secretary may require, a determination that an individual owes  
14 arrearages of child support in an amount exceeding \$5,000.  
15 Said procedures shall provide that the individual be given  
16 notice of the determination and of the consequence thereof and  
17 that the individual shall be given an opportunity to contest  
18 the accuracy of the determination.

19 (12) The Title IV-D agency shall review support orders  
20 in IV-D cases at least every 3 years upon request by either  
21 party, or the agency in cases where there is an assignment of  
22 support to the state under s. 414.095(8), and may seek  
23 adjustment of the order if appropriate under the guidelines  
24 established in s. 61.30. Not less than once every 3 years the  
25 IV-D agency shall provide notice to the parties subject to the  
26 order informing them of their right to request a review and,  
27 if appropriate, an adjustment of the support order. Said  
28 notice requirement may be met by including appropriate  
29 language in the initial support order or any subsequent  
30 orders.

31

1       (13) The department shall have the authority to adopt  
2 rules to implement this section.

3           Section 52. Section 409.25641, Florida Statutes, is  
4 created to read:

5           409.25641 Procedures for processing interstate  
6 enforcement requests.--

7           (1) The Title IV-D agency shall respond within 5  
8 business days to a request from another state to enforce a  
9 support order.

10          (2)(a) This request may be transmitted from the other  
11 state by electronic or other means; and

12          (b) Shall contain sufficient identifying information  
13 to allow comparison with the databases within the state which  
14 are available to the Title IV-D agency; and

15          (c) Shall constitute a certification by the requesting  
16 state; and

17           1. Of the amount of arrearage accrued under the order;  
18 and

19           2. That the requesting state has complied with all  
20 procedural due process requirements applicable to the case.

21          (3) If assistance is provided by the Title IV-D agency  
22 to another state as prescribed above, neither state shall  
23 consider the case to be transferred from the caseload of the  
24 other state to the caseload of the Title IV-D agency.

25          (4) The Title IV-D agency shall maintain a record of:

26           (a) The number of requests received;

27           (b) The number of cases for which the Title IV-D  
28 agency collected support in response to such a request; and

29           (c) The amount of such collected support.

30          (5) The department shall have authority to adopt rules  
31 to implement this section.

1           Section 53. Section 409.25645, Florida Statutes, 1996  
2 Supplement, is amended to read:

3           409.25645 Administrative orders for genetic  
4 testing.--The department is authorized to use ~~institute one or~~  
5 ~~more pilot programs using~~ administrative orders to require  
6 genetic testing in Title IV-D cases. In such cases the  
7 department or an authorized agent may issue an administrative  
8 order to a putative father who has not voluntarily submitted  
9 to genetic testing, directing him to appear for a genetic test  
10 to determine the paternity of a child, provided that the  
11 department shall have no authority to issue such an order in  
12 the absence of an affidavit of the child's mother stating that  
13 the putative father is or may be a parent of the child. The  
14 administrative order shall state:

15           (1) The type of genetic test that will be used.

16           (2) The date, time, and place to appear for the  
17 genetic test.

18           (3) That upon failure to appear for the genetic test,  
19 or refusal to be tested, the department shall file a petition  
20 in circuit court to establish paternity and support.

21  
22 A copy of the affidavit which is the basis for the issuance of  
23 the administrative order shall be attached to the order. The  
24 administrative order is exempt from the hearing provisions in  
25 chapter 120, because the person to whom it is directed shall  
26 have an opportunity to object in circuit court in the event  
27 the department pursues the matter by filing a petition in  
28 circuit court. The department may serve the administrative  
29 order to appear for a genetic test by regular mail. In any  
30 case in which more than one putative father has been  
31 identified, the department may proceed under this section with

1 respect to all putative fathers. If the department receives a  
2 request from another state Title IV-D agency to assist in the  
3 establishment of paternity, the department may cause an  
4 administrative order to appear for a genetic test to be served  
5 on a putative father who resides in Florida.

6 Section 54. Section 409.25656, Florida Statutes, 1996  
7 Supplement, is amended to read:

8 409.25656 Garnishment.--

9 (1) If a person has a child support obligation which  
10 ~~is is delinquent in paying a child support obligation~~ subject  
11 to enforcement by the department as the state Title IV-D  
12 program, the executive director or his or her designee may  
13 give notice of past-due and/or overdue support ~~the amount of~~  
14 ~~such delinquency~~ by registered mail to all persons who have in  
15 their possession or under their control any credits or  
16 personal property, including ~~exclusive of~~ wages, belonging to  
17 the ~~delinquent~~ child support obligor, or owing any debts to  
18 the ~~delinquent~~ child support obligor at the time of receipt by  
19 them of such notice. Thereafter, any person who has been  
20 notified may not transfer or make any other disposition, up to  
21 the amount provided for in the notice, of such credits, other  
22 personal property, or debts until the executive director or  
23 his or her designee consents to a transfer or disposition, or  
24 until 60 days after the receipt of such notice. ~~The notice~~  
25 ~~provided for in this section may be renewed~~ If the ~~delinquent~~  
26 obligor contests the intended levy in the circuit court or  
27 under chapter 120, the notice under this section shall remain  
28 in effect until final disposition of that circuit court or  
29 chapter 120 pending final resolution of that action. Any  
30 financial institution receiving such notice will maintain a  
31

1 right of set off for any transaction involving a debit card  
2 occurring on or before the date of receipt of such notice.

3 (2) Each person who is notified under this section  
4 must, within 5 days after receipt of the notice, advise the  
5 executive director or his or her designee of the credits,  
6 other personal property, or debts in their possession, under  
7 their control, or owed by them and must advise the executive  
8 director or designee within 5 days of coming into possession  
9 or control of any subsequent credits, personal property, or  
10 debts owed during the time prescribed by the notice. Any such  
11 person coming into possession or control of such subsequent  
12 credits, personal property, or debts shall not transfer or  
13 dispose of them during the time prescribed by the notice or  
14 until the department consents to a transfer ~~owing them.~~

15 (3) During the last 30 days of the 60-day period set  
16 forth in subsection (1), the executive director or his or her  
17 designee may levy upon such credits, ~~other~~ personal property,  
18 or debts. The levy must be accomplished by delivery of a  
19 notice of levy by registered mail, upon receipt of which the  
20 person possessing the credits, other personal property, or  
21 debts shall transfer them to the department or pay to the  
22 department the amount owed to the ~~delinquent~~ obligor.

23 (4) A notice that is delivered under this section is  
24 effective at the time of delivery against all credits, other  
25 personal property, or debts of the ~~delinquent child support~~  
26 obligor which are not at the time of such notice subject to an  
27 attachment, garnishment, or execution issued through a  
28 judicial process.

29 (5) The department is authorized to bring an action in  
30 circuit court for an order compelling compliance with any  
31 notice issued under this section.

1           (6) Any person acting in accordance with the terms of  
2 the notice or levy issued by the executive director or his or  
3 her designee is expressly discharged from any obligation or  
4 liability to the ~~delinquent~~ obligor with respect to such  
5 credits, other personal property, or debts of the ~~delinquent~~  
6 obligor affected by compliance with the notice of freeze or  
7 levy.

8           (7)~~(6)~~(a) Levy may be made under subsection (3) upon  
9 credits, other personal property, or debt of any person with  
10 respect to any past-due or over-due ~~delinquent~~ child support  
11 obligation only after the executive director or his or her  
12 designee has notified such person in writing of the intention  
13 to make such levy.

14           (b) Not less than 30 days before the day of the levy,  
15 the notice of intent to levy required under paragraph (a) must  
16 be given in person or sent by certified or registered mail to  
17 the person's last known address.

18           (c) The notice required in paragraph (a) must include  
19 a brief statement that sets forth ~~in simple and nontechnical~~  
20 ~~terms~~:

21           1. The provisions of this section relating to levy and  
22 sale of property;

23           2. The procedures applicable to the levy under this  
24 section;

25           3. The administrative and judicial appeals available  
26 to the ~~delinquent~~ obligor with respect to such levy and sale,  
27 and the procedures relating to such appeals; and

28           4. The alternatives, if any, available to the  
29 ~~delinquent~~ obligor which could prevent levy on the property.

30           (8)~~(7)~~ An A ~~delinquent child support~~ obligor may  
31 contest the notice of intent to levy provided for under

1 subsection (7)~~(6)~~ by filing an action in circuit court.  
2 Alternatively, the ~~delinquent~~ obligor may file a petition  
3 under the applicable provisions of chapter 120. After an  
4 action has been initiated under chapter 120 to contest the  
5 notice of intent to levy, an action relating to the same levy  
6 may not be filed by the ~~delinquent~~ obligor in circuit court,  
7 and judicial review is exclusively limited to appellate review  
8 pursuant to s. 120.68. Also, after an action has been  
9 initiated in circuit court, an action may not be brought under  
10 chapter 120.

11 (9)~~(8)~~ An action may not be brought to contest a  
12 notice of intent to levy under chapter 120 or in circuit  
13 court, later than 21 days after the date of receipt of the  
14 notice of intent to levy.

15 (10)~~(9)~~ The department shall provide notice to the  
16 Comptroller, in electronic or other form specified by the  
17 Comptroller, listing the obligors for whom warrants are  
18 outstanding. Pursuant to subsection (1), the Comptroller  
19 shall, upon notice from the department, withhold all payments  
20 to any ~~delinquent child support~~ obligor who provides  
21 commodities or services to the state, leases real property to  
22 the state, or constructs a public building or public work for  
23 the state. The department may levy upon the withheld payments  
24 in accordance with subsection (3). Section 215.422 does not  
25 apply from the date the notice is filed with the Comptroller  
26 until the date the department notifies the Comptroller of its  
27 consent to make payment to the person or 60 days after receipt  
28 of the department's notice in accordance with subsection (1),  
29 whichever occurs earlier.

30 (11) The Department of Revenue has the authority to  
31 adopt rules to implement this section.

1           Section 55. Section 409.25657, Florida Statutes, is  
2 created to read:

3           409.25657 Requirements for financial institutions.--

4           (1) Definitions.--For purposes of this section,  
5 reference is made to 42 U.S.C. s. 669A:

6           (a) "Financial institution" means:

7           1. A depository institution, as defined in section  
8 3(c) of the Federal Deposit Insurance Act (12 U.S.C. s.  
9 1813(c));

10           2. An institution-affiliated party, as defined in  
11 section 3(u) of such act (12 U.S.C. s. 1813(u));

12           3. Any federal credit union or state credit union, as  
13 defined in section 101 of the Federal Credit Union Act (12  
14 U.S.C. s. 1752), including an institution-affiliated party of  
15 such a credit union, as defined in section 206(r) of such act  
16 (12 U.S.C. s. 1786(r)); and

17           4. Any benefit association, insurance company, safe  
18 deposit company, money-market mutual fund, or similar entity  
19 authorized to do business in the state.

20           (b) An "account" means a demand deposit account,  
21 checking or negotiable withdrawal order account, savings  
22 account, time deposit account, or money-market mutual fund  
23 account.

24           (2) The department shall develop procedures to enter  
25 into agreements with financial institutions doing business in  
26 the state, to develop and operate, in coordination with such  
27 financial institutions, a data match system, using automated  
28 data exchanges to the maximum extent feasible, in which each  
29 financial institution is required to provide for each calendar  
30 quarter the name, record address, social security number or  
31 other taxpayer identification number, and other identifying

1 information for each noncustodial parent who maintains an  
2 account at such institution and who owes past-due support, as  
3 identified by the department by name and social security  
4 number or other taxpayer identification number.

5 (3) The department shall pay a reasonable fee to a  
6 financial institution for conducting the data match provided  
7 for in subsection (2), not to exceed the actual costs incurred  
8 by such financial institution.

9 (4) A financial institution shall not be liable to any  
10 person nor shall it be required to provide notice to its  
11 customers:

12 (a) For disclosure of any information as required  
13 under this section; or

14 (b) For encumbering or surrendering any assets held by  
15 such financial institution in response to a notice of lien or  
16 levy issued by the department; or

17 (c) For disclosing any information in connection with  
18 a data match; or

19 (d) For any other action taken in good faith to comply  
20 with the requirements of this section.

21 (5) Any financial records obtained pursuant to this  
22 section may be disclosed only for the purpose of, and to the  
23 extent necessary in, establishing, modifying, or enforcing a  
24 child support obligation of such individual.

25 (6) The Department of Revenue may adopt rules for  
26 establishing the procedures for automated data matches with  
27 financial institutions.

28 Section 56. Section 409.2567, Florida Statutes, 1996  
29 Supplement, is amended to read:

30 409.2567 Services to individuals not otherwise  
31 eligible.--All child support ~~and paternity determination~~

1 services provided by the department shall be made available on  
2 behalf of all dependent children. Services shall be provided  
3 upon acceptance of public assistance or upon proper  
4 application filed with the department. The department shall  
5 adopt rules to provide for the payment of a \$25 application  
6 fee from each applicant who is not a public assistance  
7 recipient. The application fee shall be deposited in the Child  
8 Support Enforcement Application and User Fee Trust Fund within  
9 the Department of Revenue to be used for the Child Support  
10 Enforcement Program. The obligor is responsible for all  
11 administrative costs, as defined in s. 409.2554. The court  
12 shall order payment of administrative costs without requiring  
13 the department to have a member of the bar testify or submit  
14 an affidavit as to the reasonableness of the costs. An  
15 attorney-client relationship exists only between the  
16 department and the legal services providers in Title IV-D  
17 cases. The attorney shall advise the obligee in Title IV-D  
18 cases that the attorney represents the agency and not the  
19 obligee. In Title IV-D cases, any costs, including filing  
20 fees, recording fees, mediation costs, service of process  
21 fees, and other expenses incurred by the clerk of the circuit  
22 court, shall be assessed only against the nonprevailing  
23 obligor after the court makes a determination of the  
24 nonprevailing obligor's ability to pay such costs and fees. In  
25 any case where the court does not award all costs the court  
26 shall state in the record its reasons for not awarding the  
27 costs.The Department of Revenue shall not be considered a  
28 party for purposes of this section; however, fees may be  
29 assessed against the department pursuant to s. 57.105(1). The  
30 department shall submit a monthly report to the Governor and  
31 the chairs of the Appropriations Committee of the House of

1 Representatives and the Ways and Means Committee of the Senate  
2 specifying the funds identified for collection from the  
3 noncustodial parents of children receiving temporary  
4 assistance and the amounts actually collected.

5 Section 57. Paragraph (b) of subsection (2) of section  
6 409.2574, Florida Statutes, is amended to read:

7 409.2574 Income deduction enforcement in Title IV-D  
8 cases.--

9 (2)

10 (b) The department shall serve a notice ~~of its intent~~  
11 ~~to enforce income deduction~~ on the obligor that the income  
12 deduction notice has been served on the employers. Service  
13 upon an obligor under this section shall be made in the manner  
14 prescribed in chapter 48. The department shall furnish to the  
15 obligor a statement of his rights, remedies, and duties in  
16 regard to the income deduction.

17 Section 58. Section 409.2576, Florida Statutes, is  
18 created to read:

19 409.2576 State Directory of New Hires; definitions;  
20 furnishing reports and data; matches to state registry;  
21 service of deduction notices; national registry; disclosure of  
22 information; rulemaking authority.--

23 (1) DIRECTORY CREATED.--The State Directory of New  
24 Hires is hereby created and shall be administered by the  
25 Department of Revenue or its agent. The Department of Labor  
26 and Employment Security will act as the agent until a date not  
27 later than October 1, 1998. All employers in the state shall  
28 furnish a report consistent with subsection (3) for each newly  
29 hired or rehired employee unless the employee is employed by a  
30 federal or state agency performing intelligence or  
31 counterintelligence functions and the head of such agency has

1 determined that reporting pursuant to this section could  
2 endanger the safety of the employee or compromise an ongoing  
3 investigation or intelligence mission.

4 (2) DEFINITIONS.--For purposes of this section:

5 (a) "Employee" is defined as an individual who is an  
6 employee within the meaning of chapter 24 of the Internal  
7 Revenue Code of 1986.

8 (b) "Employer" has the meaning given such term in  
9 section 3401(d) of the Internal Revenue Code of 1986 and  
10 includes any government entity and labor organization.

11 (c) "Labor organization" has the meaning given such  
12 term in section 2(5) of the National Labor Relations Act and  
13 includes any entity which is used by the organization and an  
14 employer to carry out requirements described in section  
15 8(f)(3) of such act of an agreement between the organization  
16 and employer.

17 (d) "Date of hire" is the first day of work for which  
18 the employee is owed income.

19 (3) EMPLOYERS TO FURNISH REPORTS.--

20 (a) Each employer subject to the reporting  
21 requirements of chapter 443 with 250 or more employees, shall  
22 provide to the State Directory of New Hires, a report listing  
23 the employer's legal name, address, and unemployment  
24 compensation identification number. The report must also  
25 provide the name and social security number of each new  
26 employee or rehired employee at the end of the first pay  
27 period following employment or reemployment.

28 (b) Upon termination of the contract with the  
29 Department of Labor and Employment Security, but not later  
30 than October 1, 1998, all employers shall furnish a report to  
31 the State Directory of New Hires of the state in which the

1 newly hired or rehired employee works. The report required in  
2 this section shall be made on a W-4 form or, at the option of  
3 the employer, an equivalent form, and can be transmitted  
4 magnetically, electronically, by first class mail, or other  
5 methods which may be prescribed by the State Directory. Each  
6 report shall include the name, address, date of hire, and  
7 social security number of every new and rehired employee and  
8 the name, address, and federal employer identification number  
9 of the reporting employer. If available, the employer may  
10 also include the employee's date of birth in the report.  
11 Multistate employers that report new hire information  
12 electronically or magnetically may designate a single state to  
13 which it will transmit the above noted report, provided the  
14 employer has employees in that state and the employer notifies  
15 the Secretary of Health and Human Services in writing to which  
16 state the information will be provided. Agencies of the  
17 United States Government shall report directly to the National  
18 Directory of New Hires.

19 (c) Pursuant to the federal Personal Responsibility  
20 and Work Opportunity Reconciliation Act of 1996, each party is  
21 required to provide his or her social security number in  
22 accordance with this section. Disclosure of social security  
23 numbers obtained through this requirement shall be limited to  
24 the purpose of administration of the Title IV-D program for  
25 child support enforcement.

26 (4) TIME FOR REPORTS.--Employers must report new hire  
27 information, as described in subsection (3), within 20 days of  
28 the hire date of the employee, or, in the case of employers  
29 that report new hire information electronically or by magnetic  
30 tape, by two monthly transmissions, if necessary, not less  
31 than 12 days nor more than 16 days apart.

1       (5) ENTRY OF DATA.--The State Directory of New Hires  
2 shall enter new hire information into an automated database  
3 within 5 business days of receipt.

4       (6) MATCHES TO STATE REGISTRY.--Not later than May 1,  
5 1998, the Department of Revenue or its agent must conduct  
6 automated matches of the social security numbers of employees  
7 reported to the State Directory of New Hires against the  
8 social security numbers of records in the State Case Registry.  
9 The Title IV-D agency shall use the new hire information  
10 received to locate individuals for the purposes of  
11 establishing paternity and establishing, modifying, and  
12 enforcing support obligations. Private entities under  
13 contract with the Title IV-D agency to provide Title IV-D  
14 services may have access to information obtained from the  
15 State Directory of New Hires and must comply with privacy  
16 safeguards.

17       (7) WAGE WITHHOLDING NOTICE.--Not later than October  
18 1, 1998, the Title IV-D agency shall transmit a wage  
19 withholding notice consistent with s. 61.1301 to the  
20 employee's employer within 2 business days of entry of the new  
21 hire information into the State Directory of New Hires'  
22 database, unless the court has determined that the employee's  
23 wages are not subject to withholding. The withholding notice  
24 shall direct the employer to withhold income in accordance  
25 with the income deduction order.

26       (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.--Not  
27 later than October 1, 1997, the State Directory of New Hires  
28 must furnish information regarding newly hired or rehired  
29 employees to the National Directory of New Hires for matching  
30 with the records of other state case registries within 3  
31 business days of entering such information from the employer

1 into the State Directory of New Hires. The State Directory of  
2 New Hires shall enter into an agreement with the Florida  
3 Department of Labor and Employment Security for the quarterly  
4 reporting to the National Directory of New Hires information  
5 on wages and unemployment compensation taken from the  
6 quarterly report to the Secretary of Labor, now required by  
7 Title III of the Social Security Act, except that no report  
8 shall be filed with respect to an employee of a state or local  
9 agency performing intelligence or counterintelligence  
10 functions, if the head of such agency has determined that  
11 filing such a report could endanger the safety of the employee  
12 or compromise an ongoing investigation or intelligency  
13 mission.

14 (9) DISCLOSURE OF INFORMATION.--

15 (a) New hire information shall be disclosed to the  
16 state agency administering the following programs for the  
17 purposes of determining eligibility under those programs:

18 1. Any state program funded under part A of Title IV  
19 of the Social Security Act;

20 2. The Medicaid program under Title XIX of the Social  
21 Security Act;

22 3. The unemployment compensation program under section  
23 3304 of the Internal Revenue Code of 1954;

24 4. The food stamp program under the Food Stamp Act of  
25 1977; and

26 5. Any state program under a plan approved under Title  
27 I (Old-Age Assistance for the Aged), Title X (Aid to the  
28 Blind), Title XIV (Aid to the Permanently and Totally  
29 Disabled), or Title XVI (Aid to the Aged, Blind, or Disabled;  
30 Supplemental Security Income for the Aged, Blind, and  
31 Disabled) of the Social Security Act.

1           (b) New hire information shall be disclosed to the  
2 state agencies operating employment security and workers'  
3 compensation programs for the purposes of administering such  
4 programs.

5           (10) RULEMAKING AUTHORITY.--The Department of Revenue  
6 shall have the authority to adopt rules to implement this  
7 section.

8           Section 59. Effective October 1, 1997, section  
9 409.2577, Florida Statutes, 1996 Supplement, is amended to  
10 read:

11           409.2577 Parent locator service.--The department shall  
12 establish a parent locator service to assist in locating  
13 parents who have deserted their children and other persons  
14 liable for support of dependent children. The department  
15 shall use all sources of information available, including the  
16 Federal Parent Locator Service, and may request and shall  
17 receive information from the records of any person or the  
18 state or any of its political subdivisions or any officer  
19 thereof. Any agency as defined in s. 120.52, any political  
20 subdivision, and any other person shall, upon request, provide  
21 the department any information relating to location, salary,  
22 insurance, social security, income tax, and employment history  
23 necessary to locate parents who owe or potentially owe a duty  
24 of support pursuant to Title IV-D of the Social Security Act.  
25 This provision shall expressly take precedence over any other  
26 statutory nondisclosure provision which limits the ability of  
27 an agency to disclose such information, except that law  
28 enforcement information as provided in s. 119.07(3)(i) is not  
29 required to be disclosed, and except that confidential  
30 taxpayer information possessed by the Department of Revenue  
31 shall be disclosed only to the extent authorized in s.

1 213.053(15). Nothing in this subsection requires the  
2 disclosure of information if such disclosure is prohibited by  
3 federal law. Information gathered or used by the parent  
4 locator service is confidential and exempt from the provisions  
5 of s. 119.07(1). Additionally, the department is authorized to  
6 collect any additional information directly bearing on the  
7 identity and whereabouts of a person owing or asserted to be  
8 owing an obligation of support for a dependent child.  
9 Information gathered or used by the parent locator service is  
10 confidential and exempt from the provisions of s. 119.07(1).  
11 The department may make such information available only to  
12 public officials and agencies of this state; political  
13 subdivisions of this state; the custodial parent, legal  
14 guardian, attorney, or agent of the child; and other states  
15 seeking to locate parents who have deserted their children and  
16 other persons liable for support of dependents, for the sole  
17 purpose of establishing, modifying, or enforcing their  
18 liability for support. If the department has reasonable  
19 evidence of domestic violence or child abuse and the  
20 disclosure of information could be harmful to the custodial  
21 parent or the child of such parent, the child support program  
22 director or designee shall notify the Secretary of the U.S.  
23 Department of Health and Human Services of this evidence. Such  
24 evidence is sufficient grounds for the department to  
25 disapprove an application for location services.

26 Section 60. Section 409.2578, Florida Statutes, is  
27 created to read:

28 409.2578 Access to employment information;  
29 administrative fine.--

30 (1) For the purpose of establishing paternity or  
31 establishing, modifying, or enforcing a child support

1 obligation, all persons in this state, including for-profit,  
2 not-for-profit, and governmental employers or contractors,  
3 shall, upon written request from the IV-D agency for  
4 information concerning an individual employee of such person,  
5 provide to the IV-D agency of this state or its designee or to  
6 the Title IV-D agency of any other state or its designee  
7 information on the employment, compensation, and benefits of  
8 any employee who has a liability to pay child support and is  
9 delinquent or who has a potential liability. The information  
10 requested shall be provided within 30 days of receipt of the  
11 written request. The Title IV-D agency of this state is  
12 authorized to impose a fine for failure to respond to its  
13 request.

14 (2) Prior to issuance of a fine, the department shall  
15 issue a written notification of noncompliance. Failure to  
16 comply within 15 days of receipt of the written notification  
17 without good cause may result in the agency taking the  
18 following actions:

19 (a) Imposition of an administrative fine of not more  
20 than \$500;

21 (b) The application by the Title IV-D agency or its  
22 designee, to the circuit court for an order compelling  
23 compliance. The entity shall be liable for attorney's fees  
24 and costs associated with the department bringing this action  
25 upon showing by the department that the employer failed to  
26 comply with the request.

27 (3) All fines collected pursuant to this section shall  
28 be made payable to the Child Support Enforcement Application  
29 Fee and Program Revenue Trust Fund.

30 (4) The Title IV-D agency has the authority to adopt  
31 rules and procedures to implement this section.

1           Section 61. Effective October 1, 1997, section  
2 409.2579, Florida Statutes, 1996 Supplement, is amended to  
3 read:

4           409.2579 Safeguarding Title IV-D case file  
5 information.--

6           (1) Information concerning applicants for or  
7 recipients of Title IV-D child support services is  
8 confidential and exempt from the provisions of s. 119.07(1).  
9 The use or disclosure of such information by the IV-D program  
10 is limited to purposes directly connected with:

11           (a) The administration of the plan or program approved  
12 under part A, part B, ~~part C, or part D,~~ part E, or part F of  
13 Title IV; under Title II, Title X, Title XIV, Title XVI, Title  
14 XIX, or Title XX; or under the supplemental security income  
15 program established under Title XVI of the Social Security  
16 Act;

17           (b) Any investigation, prosecution, or criminal or  
18 civil proceeding connected with the administration of any such  
19 plan or program; ~~and~~

20           (c) The administration of any other federal or  
21 federally assisted program which provides service or  
22 assistance, in cash or in kind, directly to individuals on the  
23 basis of need; ~~and-~~

24           (d) Reporting to an appropriate agency or official,  
25 information on known or suspected instances of physical or  
26 mental injury, child abuse, sexual abuse or exploitation, or  
27 negligent treatment or maltreatment of a child who is the  
28 subject of a child support enforcement activity under  
29 circumstances which indicate that the child's health or  
30 welfare is threatened thereby.

31

1           (2) The IV-D program may not disclose to any  
2 legislative body, whether federal, state, or local, or any  
3 committee thereof, any information that identifies by name or  
4 address an applicant or recipient of child support services.

5           (3) As required by federal law, 42 U.S.C. s. 654, upon  
6 notice that such an order exists, the IV-D program shall not  
7 disclose information on the whereabouts of one party to the  
8 other party against whom a protective order with respect to  
9 the former party has been entered.

10           (4) As required by federal law, 42 U.S.C. s. 654, the  
11 IV-D program shall not disclose information on the whereabouts  
12 of one party to another party if the program has reason to  
13 believe that the release of information may result in physical  
14 or emotional harm to the former party.

15           (5) The Department of Children and Family Services is  
16 authorized to establish, by rule, procedures to implement this  
17 section.

18           ~~(6)~~~~(3)~~ Any person who willfully and knowingly violates  
19 any of the provisions of this section is guilty of a  
20 misdemeanor of the first degree punishable as provided in s.  
21 775.082 or s. 775.083.

22           Section 62. Section 409.2598, Florida Statutes, 1996  
23 Supplement, is amended to read:

24           409.2598 Suspension or denial of new or renewal  
25 licenses; registrations; certifications.--

26           (1) The Title IV-D agency may petition the court that  
27 entered the support order or the court that is enforcing the  
28 support order to deny or suspend the license, registration, or  
29 certificate issued under chapter 231, chapter 370, chapter  
30 372, chapter 409, chapter 455, or chapter 559 or s. 327.031 of  
31 any obligor with a delinquent child support obligation or who

1 fails, after receiving appropriate notice, to comply with  
2 subpoenas or a similar order to appear or show cause relating  
3 to paternity or child support proceedings. However, a petition  
4 may not be filed until the Title IV-D agency has exhausted all  
5 other available remedies. The purpose of this section is to  
6 promote the public policy of the state as established in s.  
7 409.2551.

8           (2) The Title IV-D agency is authorized to screen all  
9 applicants for new or renewal licenses, registrations, or  
10 certificates and current licenses, registrations, or  
11 certificates and current licensees, registration holders, and  
12 certificate holders of all licenses, registrations, and  
13 certificates issued under chapter 231, chapter 370, chapter  
14 372, chapter 409, chapter 455, or chapter 559 or s. 327.031 to  
15 ensure compliance with any child support obligation and any  
16 subpoenas or a similar order to appear or show cause relating  
17 to paternity or child support proceedings. If the Title IV-D  
18 agency determines that an applicant, licensee, registration  
19 holder, or certificateholder is an obligor who is delinquent  
20 on a support obligation or who is not in compliance with a  
21 subpoena or a similar order to appear or show cause relating  
22 to paternity or child support proceedings, the Title IV-D  
23 agency shall certify the delinquency pursuant to s. 61.14.

24           (3) The Title IV-D agency shall give notice to any  
25 obligor who is an applicant for a new or renewal license or  
26 certificate or the holder of a current license or certificate  
27 when a delinquency exists in the support obligation or when an  
28 obligor has failed to comply with a subpoena or a similar  
29 order to appear or show cause relating to a paternity or child  
30 support proceeding. The notice shall specify that the obligor  
31 has 30 days from the date on which service of the notice is

1 complete to pay the delinquency or to reach an agreement to  
2 pay the delinquency with the Title IV-D agency or comply with  
3 the subpoena or a similar order to appear or show cause. The  
4 notice shall specify that, if payment is not made or an  
5 agreement cannot be reached, or if the subpoena or a similar  
6 order to appear or show cause is not complied with,the  
7 application may be denied or the license or certification may  
8 be suspended pursuant to a court order.

9 (4) If the obligor fails to pay the delinquency or  
10 reach an agreeable payment arrangement or comply with the  
11 subpoena or a similar order to appear or show cause within 30  
12 days following completion of service of the notice ~~of the~~  
13 ~~delinquency~~, the Title IV-D agency shall send a second notice  
14 to the obligor stating that the obligor has 30 days to pay the  
15 delinquency or reach an agreement to pay the delinquency with  
16 the Title IV-D agency or comply with the subpoena or a similar  
17 order to appear or show cause. If the obligor fails to  
18 respond to either notice from the Title IV-D agency or if the  
19 obligor fails to pay the delinquency or reach an agreement to  
20 pay the delinquency or comply with the subpoena or a similar  
21 order to appear or show cause after the second notice, the  
22 Title IV-D agency may petition the court which entered the  
23 support order or the court which is enforcing the support  
24 order to deny the application for the license or certificate  
25 or to suspend the license or certificate of the obligor.  
26 However, no petition may be filed until the Title IV-D agency  
27 has exhausted all other available remedies. The court may  
28 find that it would be inappropriate to deny a license or  
29 suspend a license or certificate if:

30  
31

1           (a) Denial or suspension would result in irreparable  
2 harm to the obligor or employees of the obligor or would not  
3 accomplish the objective of collecting the delinquency; or

4           (b) The obligor demonstrates that he has made a good  
5 faith effort to reach an agreement with the Title IV-D agency.

6  
7 The court may not deny or suspend a license or certificate if  
8 the court determines that an alternative remedy is available  
9 to the Title IV-D agency which is likely to accomplish the  
10 objective of collecting the delinquency or obtaining  
11 compliance with the subpoena or a similar order to appear or  
12 show cause. If the obligor fails in the defense of a petition  
13 for denial or suspension, the court which entered the support  
14 order or the court which is enforcing the support order shall  
15 enter an order to deny the application for the license or  
16 certification or to suspend the license or certification of  
17 the obligor. The court shall order the obligor to surrender  
18 the license or certification to the Title IV-D agency, which  
19 will return the license or certification and a copy of the  
20 order of suspension to the appropriate department or licensing  
21 entity.

22           (5) If the court denies or suspends a license or  
23 certification and the obligor subsequently pays the  
24 delinquency or reaches an agreement with the Title IV-D agency  
25 to settle the delinquency and makes the first payment required  
26 by the agreement, or complies with the subpoena or a similar  
27 order to appear or show cause, the license or certificate  
28 shall be issued or reinstated upon written proof to the court  
29 that the obligor has complied with the terms of the court  
30 order, subpoena, or a similar order to appear or show cause.  
31 Proof of payment shall consist of a certified copy of the

1 payment record issued by the depository. The court shall  
2 order the appropriate department or license board to issue or  
3 reinstate the license or certificate without additional charge  
4 to the obligor.

5 (6) The department shall, when directed by the court,  
6 suspend or deny the license or certificate of any licensee or  
7 certificateholder under its jurisdiction found to have a  
8 delinquent support obligation or not to be in compliance with  
9 a subpoena or a similar order to appear or show cause. The  
10 department shall issue or reinstate the license or certificate  
11 without additional charge to the licensee or certificateholder  
12 when notified by the court that the licensee or  
13 certificateholder has complied with the terms of the court  
14 order or subpoena or a similar order to appear or show cause.

15 (7) Notice shall be served under this section by  
16 mailing it by certified mail, return receipt requested, to the  
17 obligor at his last address of record with the local  
18 depository. If the obligor has no address of record with the  
19 local depository, or if the last address of record with the  
20 local depository is incorrect, service shall be by publication  
21 as provided in chapter 49. When service of the notice is made  
22 by mail, service is complete upon the receipt of the notice by  
23 the obligor.

24 Section 63. Subsection (5) of section 414.028, Florida  
25 Statutes, 1996 Supplement, is amended to read:

26 414.028 Local WAGES coalitions.--The WAGES Program  
27 State Board of Directors shall create and charter local WAGES  
28 coalitions to plan and coordinate the delivery of services  
29 under the WAGES Program at the local level. The boundaries of  
30 the service area for a local WAGES coalition shall conform to  
31 the boundaries of the service area for the jobs and education

1 regional board established under the Enterprise Florida Jobs  
2 and Education Partnership. The local delivery of services  
3 under the WAGES Program shall be coordinated, to the maximum  
4 extent possible, with the local services and activities of the  
5 local service providers designated by the regional workforce  
6 development boards.

7 (5) The WAGES Program State Board of Directors may not  
8 approve the program and financial plan of a local coalition  
9 unless the plan provides a teen pregnancy prevention component  
10 that includes, but is not necessarily limited to, a plan for  
11 implementing the Florida Education Now and Babies Later  
12 (ENABL) program under s. 411.242 and the Teen Pregnancy  
13 Prevention Community Initiative within each segment of the  
14 service area in which the childhood birth rate is higher than  
15 the state average. In developing and coordinating the program  
16 and financial plan, the local WAGES coalition shall consider  
17 issues related to the responsibility of noncustodial parents  
18 to support their children. Such consideration shall include,  
19 but need not be limited to:

20 (a) Activities that will improve the process for  
21 establishing paternity, which shall be developed in  
22 cooperation with the Division of Child Support Enforcement of  
23 the Department of Revenue, the Healthy Start Coalitions, the  
24 Department of Health, the Florida Coalition Against Domestic  
25 Violence, and the Commission on Responsible Fatherhood.

26 (b) Work activities for noncustodial parents described  
27 in s. 414.065(8). In addition to court-ordered activities,  
28 the plan may include work activities that facilitate  
29 employment of noncustodial parents for whom a court order has  
30 not been issued.

31

1 To the extent permitted by federal law and determined  
2 appropriate by the local WAGES coalition, WAGES Program  
3 resources may be used for activities that are designed to  
4 encourage noncustodial parents to provide support for their  
5 children and that are consistent with program and financial  
6 guidelines established by the WAGES Program State Board of  
7 Directors. A local WAGES coalition is encouraged to use  
8 funding approaches that leverage other federal, state, or  
9 local funds, including, but not limited to, funds provided  
10 under workforce development programs, teen parent programs,  
11 and the Healthy Start Program.

12 Section 64. Subsection (7) of section 443.171, Florida  
13 Statutes, 1996 supplement, is amended to read:

14 443.171 Division and commission; powers and duties;  
15 rules; advisory council; records and reports.--

16 (7) RECORDS AND REPORTS.--Each employing unit shall  
17 keep true and accurate work records, containing such  
18 information as the division may prescribe. Such records shall  
19 be open to inspection and be subject to being copied by the  
20 division at any reasonable time and as often as may be  
21 necessary. The division or an appeals referee may require from  
22 any employing unit any sworn or unsworn reports, with respect  
23 to persons employed by it, deemed necessary for the effective  
24 administration of this chapter. However, a state or local  
25 governmental agency performing intelligence or  
26 counter-intelligence functions need not report an employee if  
27 the head of such agency has determined that reporting the  
28 employee could endanger the safety of the employee or  
29 compromise an ongoing investigation or intelligence mission.  
30 Information revealing the employing unit's or individual's  
31 identity thus obtained from the employing unit or from any

1 individual pursuant to the administration of this chapter,  
2 shall, except to the extent necessary for the proper  
3 presentation of a claim or upon written authorization of the  
4 claimant who has a workers' compensation claim pending, be  
5 held confidential and exempt from the provisions of s.  
6 119.07(1). Such information shall be available only to public  
7 employees in the performance of their public duties, including  
8 employees of the Department of Education in obtaining  
9 information for the Florida Education and Training Placement  
10 Information Program and the Department of Commerce in its  
11 administration of the qualified defense contractor tax refund  
12 program authorized by s. 288.104, the qualified target  
13 industry business tax refund program authorized by s. 288.106.  
14 Any claimant, or his legal representative, at a hearing before  
15 an appeals referee or the commission shall be supplied with  
16 information from such records to the extent necessary for the  
17 proper presentation of his claim. Any employee or member of  
18 the commission or any employee of the division, or any other  
19 person receiving confidential information, who violates any  
20 provision of this subsection is guilty of a misdemeanor of the  
21 second degree, punishable as provided in s. 775.082 or s.  
22 775.083. However, the division may furnish to any employer  
23 copies of any report previously submitted by such employer,  
24 upon the request of such employer, and the division is  
25 authorized to charge therefor such reasonable fee as the  
26 division may by rule prescribe not to exceed the actual  
27 reasonable cost of the preparation of such copies. Fees  
28 received by the division for copies provided under this  
29 subsection shall be deposited to the credit of the Employment  
30 Security Administration Trust Fund.  
31

1           Section 65. Subsection (2) of section 443.1715,  
2 Florida Statutes, 1996 Supplement, is amended to read:  
3           443.1715 Disclosure of information; confidentiality.--  
4           (2) DISCLOSURE OF INFORMATION.--Subject to such  
5 restrictions as the division prescribes by rule, information  
6 declared confidential under this section may be made available  
7 to any agency of this or any other state, or any federal  
8 agency, charged with the administration of any unemployment  
9 compensation law or the maintenance of a system of public  
10 employment offices, or the Bureau of Internal Revenue of the  
11 United States Department of the Treasury, or the Florida  
12 Department of Revenue and information obtained in connection  
13 with the administration of the employment service may be made  
14 available to persons or agencies for purposes appropriate to  
15 the operation of a public employment service or a  
16 job-preparatory or career education or training program. The  
17 division shall on a quarterly basis, furnish the National  
18 Directory of New Hires with extracts of the reports required  
19 under section 303(a)(6) of the Social Security Act (42 U.S.C.  
20 s. 503) to be made to the Secretary of Labor concerning the  
21 wages and unemployment compensation paid to individuals, by  
22 such dates, in such format and containing such information as  
23 the Secretary of Health and Human Services shall specify in  
24 regulations. Upon request therefor, the division shall furnish  
25 any agency of the United States charged with the  
26 administration of public works or assistance through public  
27 employment, and may furnish to any state agency similarly  
28 charged, the name, address, ordinary occupation, and  
29 employment status of each recipient of benefits and such  
30 recipient's rights to further benefits under this chapter.  
31 Except as otherwise provided by law, the receiving agency must

1 retain the confidentiality of such information as provided in  
2 this section. The division may request the Comptroller of the  
3 Currency of the United States to cause an examination of the  
4 correctness of any return or report of any national banking  
5 association rendered pursuant to the provisions of this  
6 chapter and may in connection with such request transmit any  
7 such report or return to the Comptroller of the Currency of  
8 the United States as provided in s. 3305(c) of the federal  
9 Internal Revenue Code.

10 Section 66. Subsection (1) of section 455.213, Florida  
11 Statutes, 1996 Supplement, is amended and subsection (9) is  
12 added to said section, to read:

13 455.213 General licensing provisions.--

14 (1) Any person desiring to be licensed shall apply to  
15 the department in writing to take the appropriate examination.  
16 The application shall be made on a form prepared and furnished  
17 by the department and include the applicant's social security  
18 number. The application shall be supplemented as needed to  
19 reflect any material change in any circumstance or condition  
20 stated in the application which takes place between the  
21 initial filing of the application and the final grant or  
22 denial of the license and which might affect the decision of  
23 the agency.

24 (9) Pursuant to the federal Personal Responsibility  
25 and Work Opportunity Reconciliation Act of 1996, each party is  
26 required to provide his or her social security number in  
27 accordance with this section. Disclosure of social security  
28 numbers obtained through this requirement shall be limited to  
29 the purpose of administration of the Title IV-D program for  
30 child support enforcement.

31

1           Section 67. Subsection (1) of section 455.2141,  
2 Florida Statutes, 1996 Supplement, is amended and subsection  
3 (7) is added to said section, to read:

4           455.2141 Agency for Health Care Administration;  
5 general licensing provisions.--

6           (1) Any person desiring to be licensed in a profession  
7 within the jurisdiction of the Agency for Health Care  
8 Administration shall apply to the agency in writing to take  
9 the licensure examination. The application shall be made on a  
10 form prepared and furnished by the agency and shall require  
11 the social security number of the applicant. The form and  
12 shall be supplemented as needed to reflect any material change  
13 in any circumstance or condition stated in the application  
14 which takes place between the initial filing of the  
15 application and the final grant or denial of the license and  
16 which might affect the decision of the agency.

17           (7) Pursuant to the federal Personal Responsibility  
18 and Work Opportunity Reconciliation Act of 1996, each party is  
19 required to provide his or her social security number in  
20 accordance with this section. Disclosure of social security  
21 numbers obtained through this requirement shall be limited to  
22 the purpose of administration of the Title IV-D program for  
23 child support enforcement.

24           Section 68. Subsection (1) of section 548.021, Florida  
25 Statutes, is amended and subsection (4) is added to said  
26 section, to read:

27           548.021 Applications for licenses and permits.--An  
28 application for a license or a permit must:

29           (1) Be in writing on a form supplied by the commission  
30 which shall contain the applicant's social security number.  
31

1       (4) Pursuant to the federal Personal Responsibility  
2 and Work Opportunity Reconciliation Act of 1996, each party is  
3 required to provide his or her social security number in  
4 accordance with this section. Disclosure of social security  
5 numbers obtained through this requirement shall be limited to  
6 the purpose of administration of the Title IV-D program for  
7 child support enforcement.

8       Section 69. Paragraph (a) of subsection (2) of section  
9 626.171, Florida Statutes, is amended and subsection (7) is  
10 added to said section, to read:

11       626.171 Application for license.--

12       (2) In the application, the applicant shall set forth:

13       (a) His full name, age, social security number,  
14 residence, place of business, and occupation for the 5-year  
15 period preceding the date of application.

16       (7) Pursuant to the federal Personal Responsibility  
17 and Work Opportunity Reconciliation Act of 1996, each party is  
18 required to provide his or her social security number in  
19 accordance with this section. Disclosure of social security  
20 numbers obtained through this requirement shall be limited to  
21 the purpose of administration of the Title IV-D program for  
22 child support enforcement.

23       Section 70. Section 741.04, Florida Statutes, is  
24 amended to read:

25       741.04 Marriage license issued.--No county court judge  
26 or clerk of the circuit court in this state shall issue a  
27 license for the marriage of any person unless there shall be  
28 first presented and filed with him an affidavit in writing,  
29 signed by both parties to the marriage, providing the social  
30 security numbers of each party, made and subscribed before  
31 some person authorized by law to administer an oath, reciting

1 the true and correct ages of such parties; unless both such  
2 parties shall be over the age of 18 years, except as provided  
3 in s. 741.0405; and unless one party is a male and the other  
4 party is a female. Pursuant to the federal Personal  
5 Responsibility and Work Opportunity Reconciliation Act of  
6 1996, each party is required to provide his or her social  
7 security number in accordance with this section. Disclosure  
8 of social security numbers obtained through this requirement  
9 shall be limited to the purpose of administration of the Title  
10 IV-D program for child support enforcement.

11 Section 71. Section 742.031, Florida Statutes, is  
12 amended to read:

13 742.031 Hearings; court orders for support, hospital  
14 expenses, and attorney's fee.--

15 (1) Hearings for the purpose of establishing or  
16 refuting the allegations of the complaint and answer shall be  
17 held in the chambers and may be restricted to persons, in  
18 addition to the parties involved and their counsel, as the  
19 judge in his discretion may direct. The court shall determine  
20 the issues of paternity of the child and the ability of the  
21 parents to support the child. Each party's social security  
22 number shall be recorded in the file containing the  
23 adjudication of paternity.If the court finds that the alleged  
24 father is the father of the child, it shall so order. If  
25 appropriate, the court shall order the father to pay the  
26 complainant, her guardian, or any other person assuming  
27 responsibility for the child moneys sufficient to pay  
28 reasonable attorney's fees, hospital or medical expenses, cost  
29 of confinement, and any other expenses incident to the birth  
30 of the child and to pay all costs of the proceeding. Bills  
31 for pregnancy, childbirth, and scientific testing are

1 admissible as evidence without requiring third-party  
2 foundation testimony, and shall constitute prima facie  
3 evidence of amounts incurred for such services or for testing  
4 on behalf of the child. The court shall order either or both  
5 parents owing a duty of support to the child to pay support  
6 pursuant to s. 61.30. The court shall issue, upon motion by a  
7 party, a temporary order requiring the provision of child  
8 support pursuant to s. 61.30 pending an administrative or  
9 judicial determination of parentage, if there is clear and  
10 convincing evidence of paternity on the basis of genetic tests  
11 or other evidence. The court may also make a determination as  
12 to the parental responsibility and residential care and custody  
13 of the minor children in accordance with chapter 61.

14 (2) If a judgment of paternity contains no explicit  
15 award of custody, the establishment of a support obligation or  
16 of visitation rights in one parent shall be considered a  
17 judgment granting primary residential care and custody to the  
18 other parent without prejudice. If a paternity judgment  
19 contains no such provisions, custody shall be presumed to be  
20 with the mother.

21 (3) Pursuant to the federal Personal Responsibility  
22 and Work Opportunity Reconciliation Act of 1996, each party is  
23 required to provide his or her social security number in  
24 accordance with this section. Disclosure of social security  
25 numbers obtained through this requirement shall be limited to  
26 the purpose of administration of the Title IV-D program for  
27 child support enforcement.

28 Section 72. Section 742.032, Florida Statutes, is  
29 created to read:

30 742.032 Filing of location information.--  
31

1           (1) Beginning July 1, 1997, each party to any  
2 paternity or child support proceeding must file with the  
3 tribunal, as defined in chapter 88 and State Case Registry as  
4 defined in chapter 61 upon entry of an order, and update as  
5 appropriate, information on location and identity of the  
6 party, including Social Security number, residential and  
7 mailing addresses, telephone number, driver's license number,  
8 and name, address, and telephone number of employer.

9 Beginning October 1, 1998, each party to any paternity or  
10 child support proceeding in a non-Title IV-D case shall meet  
11 the above requirements for updating the tribunal and State  
12 Case Registry.

13           (2) Beginning July 1, 1997, in any subsequent Title  
14 IV-D child support enforcement action between the parties,  
15 upon sufficient showing that diligent effort has been made to  
16 ascertain the location of such a party, the tribunal may deem  
17 state due process requirements for notice and service of  
18 process to be met with respect to the party upon delivery of  
19 written notice to the most recent residential or employer  
20 address filed with the tribunal and State Case Registry under  
21 subsection (1). Beginning October 1, 1998, in any subsequent  
22 non-Title IV-D child support enforcement action between the  
23 parties, the same requirements for service shall apply.

24           (3) Pursuant to the federal Personal Responsibility  
25 and Work Opportunity Reconciliation Act of 1996, each party is  
26 required to provide his or her social security number in  
27 accordance with this section. Disclosure of social security  
28 numbers obtained through this requirement shall be limited to  
29 the purpose of administration of the Title IV-D program for  
30 child support enforcement.

31

1           Section 73. Section 742.10, Florida Statutes, is  
2 amended to read:

3           742.10 Establishment of paternity for children born  
4 out of wedlock.--

5           (1) This chapter provides the primary jurisdiction and  
6 procedures for the determination of paternity for children  
7 born out of wedlock. When the establishment of paternity has  
8 been raised and determined within an adjudicatory hearing  
9 brought under the statutes governing inheritance, dependency  
10 under workers' compensation or similar compensation programs,  
11 or vital statistics, or when an affidavit acknowledging  
12 paternity or a stipulation of paternity is executed by both  
13 parties and filed with the clerk of the court, or when a  
14 consenting affidavit as provided for in s. 382.013(6)(b) is  
15 executed by both parties, it shall constitute the  
16 establishment of paternity for purposes of this chapter. If no  
17 adjudicatory proceeding was held, a voluntary acknowledgment  
18 of paternity shall create a rebuttable presumption, as defined  
19 by s. 90.304, of paternity and is subject to the right of any  
20 signatory to rescind the acknowledgment within 60 days of the  
21 date the acknowledgment was signed or the date of an  
22 administrative or judicial proceeding relating to the child,  
23 including a proceeding to establish a support order, in which  
24 the signatory is a party, whichever is earlier. Both parents  
25 are required to provide their social security numbers on any  
26 acknowledgment of paternity, consent affidavit, or stipulation  
27 of paternity. The Bureau of Vital Statistics shall provide  
28 certified copies of consenting affidavits to the Title IV-D  
29 agency upon request.

30           (2) Pursuant to the federal Personal Responsibility  
31 and Work Opportunity Reconciliation Act of 1996, each party is

1 required to provide his or her social security number in  
2 accordance with this section. Disclosure of social security  
3 numbers obtained through this requirement shall be limited to  
4 the purpose of administration of the Title IV-D program for  
5 child support enforcement.

6 (3)~~(2)~~ The department shall adopt rules which  
7 establish the information which must be provided to an  
8 individual prior to execution of a consenting affidavit or  
9 voluntary acknowledgment of paternity. The information shall  
10 explain the alternatives to, the legal consequences of, and  
11 the rights, including, if one parent is a minor, any rights  
12 afforded due to minority status, and responsibilities that  
13 arise from ~~of~~ acknowledging paternity.

14 (4) After the 60-day period referred to in paragraph  
15 (1), a signed voluntary acknowledgment of paternity shall  
16 constitute an establishment of paternity and may be challenged  
17 in court only on the basis of fraud, duress, or material  
18 mistake of fact, with the burden of proof upon the challenger,  
19 and under which the legal responsibilities, including child  
20 support obligations of any signatory arising from the  
21 acknowledgment may not be suspended during the challenge,  
22 except upon a finding of good cause by the court.

23 (5) Judicial or administrative proceedings are not  
24 required or permitted to ratify an unchallenged acknowledgment  
25 of paternity.

26 Section 74. Section 742.105, Florida Statutes, is  
27 amended to read:

28 742.105 Effect of a determination of paternity from a  
29 foreign jurisdiction.--A final order of paternity entered in a  
30 foreign jurisdiction, whether resulting from a voluntary  
31 acknowledgment or an administrative or judicial process, or an

1 affidavit acknowledging paternity signed in any other state  
2 according to its procedures, shall be given the same legal  
3 effect as if such final order was entered or affidavit was  
4 signed pursuant to this chapter. In any proceeding in this  
5 state, a certified copy of the final order of paternity from a  
6 foreign jurisdiction shall be conclusive evidence of  
7 paternity.

8 Section 75. Section 742.12, Florida Statutes, is  
9 amended to read:

10 742.12 Scientific testing to determine paternity.--

11 (1) In any proceeding to establish paternity, the  
12 court on its own motion may ~~or upon request of a party shall~~  
13 require the child, mother, and alleged fathers to submit to  
14 ~~Human Leukocyte Antigen tests or other~~ scientific tests that  
15 are generally acceptable within the scientific community to  
16 show a probability of paternity. The court shall direct that  
17 the tests be conducted by a qualified technical laboratory.

18 (2) In any proceeding to establish paternity, the  
19 court may, upon request of a party providing a sworn statement  
20 alleging paternity and setting forth facts establishing a  
21 reasonable possibility of the requisite sexual contact between  
22 the parties or providing a sworn statement denying paternity  
23 and setting forth facts establishing a reasonable possibility  
24 of the nonexistence of sexual contact between the parties,  
25 require the child, mother, and alleged fathers to submit to  
26 scientific tests that are generally acceptable within the  
27 scientific community to show a probability of paternity. The  
28 court shall direct that the tests be conducted by a qualified  
29 technical laboratory.

30 ~~(3)(2)~~ The test results, together with the opinions  
31 and conclusions of the test laboratory, shall be filed with

1 the court. Any objection to the test results must be made in  
2 writing and must be filed with the court at least 10 days  
3 prior to the hearing. If no objection is filed, the test  
4 results shall be admitted into evidence without the need for  
5 predicate to be laid or third-party foundation testimony to be  
6 presented. Nothing in this paragraph prohibits a party from  
7 calling an outside expert witness to refute or support the  
8 testing procedure or results, or the mathematical theory on  
9 which they are based. Upon the entry of the order for  
10 scientific testing, the court must inform each person to be  
11 tested of the procedure and requirements for objecting to the  
12 test results and of the consequences of the failure to object.

13 (4)~~(3)~~ Test results are admissible in evidence and  
14 should be weighed along with other evidence of the paternity  
15 of the alleged father unless the statistical probability of  
16 paternity equals or exceeds 95 percent. A statistical  
17 probability of paternity of 95 percent or more creates a  
18 rebuttable presumption, as defined by s. 90.304, that the  
19 alleged father is the biological father of the child. If a  
20 party fails to rebut the presumption of paternity which arose  
21 from the statistical probability of paternity of 95 percent or  
22 more, the court may enter a summary judgment of paternity. If  
23 the test results show the alleged father cannot be the  
24 biological father, the case shall be dismissed with prejudice.

25 (5)~~(4)~~ Subject to the limitations in subsection (3)  
26 ~~(2)~~, if the test results or the expert analysis of the  
27 inherited characteristics is disputed, the court, upon  
28 reasonable request of a party, shall order that an additional  
29 test be made by the same laboratory or an independent  
30 laboratory at the expense of the party requesting additional  
31 testing.

1           ~~(6)~~<sup>(5)</sup> Verified documentation of the chain of custody  
2 of the blood or other specimens is competent evidence to  
3 establish the chain of custody.

4           ~~(7)~~<sup>(6)</sup> The fees and costs for ~~Human Leukocyte Antigen~~  
5 ~~tests or other~~ scientific tests shall be paid by the parties  
6 in proportions and at times determined by the court unless the  
7 parties reach a stipulated agreement which is adopted by the  
8 court.

9           Section 76. Subsection (1) of section 744.301, Florida  
10 Statutes, is amended to read:

11           744.301 Natural guardians.--

12           (1) The mother and father jointly are natural  
13 guardians of their own children and of their adopted children,  
14 during minority. If one parent dies, the natural guardianship  
15 shall pass to the surviving parent, and the right shall  
16 continue even though the surviving parent remarries. If the  
17 marriage between the parents is dissolved, the natural  
18 guardianship shall belong to the parent to whom the custody of  
19 the child is awarded. If the parents are given joint custody,  
20 then both shall continue as natural guardians. If the  
21 marriage is dissolved and neither the father nor the mother is  
22 given custody of the child, neither shall act as natural  
23 guardian of the child. The mother of a child born out of  
24 wedlock is the natural guardian of the child and is entitled  
25 to primary residential care and custody of the child unless a  
26 court of competent jurisdiction enters an order stating  
27 otherwise.

28           Section 77. Section 943.053, Florida Statutes, 1996  
29 Supplement, is amended to read:

30           943.053 Dissemination of criminal justice information;  
31 fees.--

1           (1) The Department of Law Enforcement shall  
2 disseminate criminal justice information only in accordance  
3 with federal and state laws, regulations, and rules.

4           (2) Criminal justice information derived from federal  
5 criminal justice information systems or criminal justice  
6 information systems of other states shall not be disseminated  
7 in a manner inconsistent with the laws, regulations, or rules  
8 of the originating agency.

9           (3) Criminal history information, including  
10 information relating to juveniles, compiled by the Division of  
11 Criminal Justice Information Systems from intrastate sources  
12 shall be available on a priority basis to criminal justice  
13 agencies for criminal justice purposes free of charge and,  
14 otherwise, to governmental agencies not qualified as criminal  
15 justice agencies on an approximate-cost basis. After  
16 providing the division with all known identifying information,  
17 persons in the private sector may be provided criminal history  
18 information upon tender of fees as established by rule of the  
19 Department of Law Enforcement. Such fees shall approximate  
20 the actual cost of producing the record information. Fees may  
21 be waived by the executive director of the Department of Law  
22 Enforcement for good cause shown.

23           (4) Criminal justice information provided by the  
24 Department of Law Enforcement shall be used only for the  
25 purpose stated in the request.

26           (5) Notwithstanding any other provision of law, the  
27 department shall provide to the Florida Department of Revenue  
28 Child Support Enforcement access to Florida criminal records  
29 which are not exempt from disclosure under chapter 119, and to  
30 such information as may be lawfully available from other  
31 states via the National Law Enforcement Telecommunications

1 System, for the purpose of locating subjects who owe or  
2 potentially owe child support or to whom such obligation is  
3 owed pursuant to Title IV-D of the Social Security Act. Such  
4 information may be provided to child support enforcement  
5 authorities in other states for these specific purposes.

6 ~~(6)~~~~(5)~~ Notwithstanding the provisions of s. 943.0525,  
7 and any user agreements adopted pursuant thereto, and  
8 notwithstanding the confidentiality of sealed records as  
9 provided for in s. 943.059, the sheriff of any county that has  
10 contracted with a private entity to operate a county detention  
11 facility pursuant to the provisions of s. 951.062 shall  
12 provide that private entity, in a timely manner, copies of the  
13 Florida criminal history records for its inmates. The sheriff  
14 may assess a charge for the Florida criminal history records  
15 pursuant to the provisions of chapter 119. Sealed records  
16 received by the private entity under this section remain  
17 confidential and exempt from the provisions of s. 119.07(1).

18 ~~(7)~~~~(6)~~ Notwithstanding the provisions of s. 943.0525,  
19 and any user agreements adopted pursuant thereto, and  
20 notwithstanding the confidentiality of sealed records as  
21 provided for in s. 943.059, the Department of Corrections  
22 shall provide, in a timely manner, copies of the Florida  
23 criminal history records for inmates housed in a private state  
24 correctional facility to the private entity under contract to  
25 operate the facility pursuant to the provisions of s. 944.105  
26 or s. 957.03. The department may assess a charge for the  
27 Florida criminal history records pursuant to the provisions of  
28 chapter 119. Sealed records received by the private entity  
29 under this section remain confidential and exempt from the  
30 provisions of s. 119.07(1).

31

1           Section 78. To expedite the acquisition of goods and  
2 services for implementing the provisions of this act, the  
3 Department of Revenue is exempt from the provisions of chapter  
4 287, Florida Statutes, when contracting for the purchase or  
5 lease of goods or services pursuant to this act. This section  
6 shall take effect upon this act becoming a law and shall  
7 expire July 1, 1998.

8           Section 79. To expedite the leasing of facilities for  
9 implementing the provisions of this act, the Department of  
10 Revenue is exempt from the requirements of any state law  
11 relating to the leasing of space including, but not limited  
12 to, the requirements imposed by s. 255.25, Florida Statutes,  
13 and any rules adopted pursuant thereto; provided, however, all  
14 leases entered into by the Department of Revenue through the  
15 1997-1998 fiscal year shall be submitted for approval by the  
16 Department of Management Services at the earliest practicable  
17 time. This section shall take effect upon this act becoming a  
18 law and shall expire July 1, 1998.

19           Section 80. (1) On or before September 1, 1997, the  
20 Department of Revenue shall develop a draft request for  
21 proposal for a state disbursement unit and a draft request for  
22 proposal for a state case registry. The draft requests  
23 developed by the Department of Revenue must include a  
24 requirement that the vendor must consult with each depository  
25 established pursuant to s. 61.181, Florida Statutes, and a  
26 requirement that the vendor must develop a standard contract  
27 which must be offered to each depository. Before October 1,  
28 1997, the Department of Revenue must request approval of the  
29 draft requests for proposal from the United States Department  
30 of Health and Human Services and any waivers necessary to  
31 implement them.

1           (2) On or before January 2, 1998, the Department of  
2 Revenue shall submit a report to the President of the Senate  
3 and the Speaker of the House of Representatives which must  
4 include:

5           (a) Each draft request for proposal, and

6           (b) The status of approval of each draft request for  
7 proposal, including authorization for any waivers necessary to  
8 implement the draft request for proposal, from the United  
9 States Department of Health and Human Services.

10           (3) The Department of Revenue may not issue either  
11 request for proposal before May 15, 1998.

12           Section 81. Effective October 1, 1997, section  
13 443.175, Florida Statutes, as created by chapter 94-318, Laws  
14 of Florida, is repealed.

15           Section 82. Except as otherwise expressly provided in  
16 this act, this act shall take effect July 1, 1997.

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HOUSE SUMMARY

Generally revises provisions of law relating to child support enforcement to:

1. Provide for the inclusion of social security numbers in certain documents to assist in locating child support obligors and for certain other purposes and to provide for more information generally to assist the child support enforcement agency in enforcing child support orders.
2. Provide a wide range of penalties, including the suspension of driver's licenses and motor vehicle registrations for child support obligors who have failed to comply with subpoenas or warrants relating to paternity or child support proceedings.
3. Provide for the sharing of more information with respect to Title IV-D agencies and certain other parties.
4. Provide for modification of child support orders in Title IV-D cases reviewed pursuant to the 3-year review and adjustment cycle with no substantial change of circumstances.
5. Revise the provisions of the Uniform Interstate Family Support Act.
6. Revise provisions of law relating to social and economic assistance to conform to the act.

Provides that the Legislature shall review the child support guidelines every 4 years beginning in 1997. Creates a Task Force on Child Support Guidelines to review the guidelines and report to the Legislature.

Reschedules from December 1996 to December 1997 the date of a statewide symposium on responsible fatherhood sponsored by the Commission on Responsible Fatherhood. Revises membership of the commission. Provides for appointment to staggered terms, and provides for expiration of current members' terms. Provides for assignment of the commission to the Department of Health. Directs the prenatal and infant health care coalitions to identify and encourage community-based programs that promote responsible fatherhood.

See bill for details.