

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
25 workers' compensation payments are not exempt
26 from garnishment, attachment, execution, and
27 assignment of income for the purpose of
28 enforcing child or spousal support obligations;
29 amending s. 61.181, F.S.; extending a date with
30 respect to the central depository for
31 receiving, recording, reporting, monitoring,

1 and disbursing alimony, support, maintenance,
 2 and child support payments; amending s.
 3 61.1812, F.S.; revising language with respect
 4 to the Child Support Incentive Trust Fund;
 5 amending s. 61.1814, F.S.; changing the name of
 6 the Child Support Enforcement Application and
 7 User Fee Trust Fund to the Child Support
 8 Enforcement Application and Program Revenue
 9 Trust Fund; amending s. 61.30, F.S.; providing
 10 that in certain Title IV-D cases no change of
 11 circumstances need to be proven to warrant a
 12 modification in child support payments;
 13 providing for retroactive child support under
 14 certain circumstances; providing that the
 15 Legislature shall review the child support
 16 guidelines at least every 4 years beginning in
 17 1997; providing for a child support guidelines
 18 study; providing for a report; amending s.
 19 88.1011, F.S.; revising definitions with
 20 respect to the Uniform Interstate Family
 21 Support Act; amending ss. 88.1021, 88.2031, and
 22 88.3031, F.S.; conforming to the act; amending
 23 s. 88.2051, F.S., relating to continuing
 24 exclusive jurisdiction; amending s. 88.2071,
 25 F.S.; providing for the recognition of
 26 controlling child support orders; amending s.
 27 88.3011, F.S.; correcting a cross reference;
 28 amending s. 88.3041, F.S.; providing a
 29 procedure when a responding state has not
 30 enacted a law similar to the Uniform Interstate
 31 Family Support Act; amending ss. 88.3051,

1 88.3061, 88.3071, and 88.6061, F.S.; deleting
2 reference to first class mail for certain
3 notification; amending s. 88.5011, F.S.;
4 providing for the employer's receipt of an
5 income-withholding order of another state;
6 creating s. 88.50211, F.S., relating to the
7 employer's compliance with the
8 income-withholding order of another state;
9 creating s. 88.5031, F.S.; providing for
10 compliance with multiple income-withholding
11 orders; creating s. 88.5041, F.S.; providing
12 for immunity from civil liability; creating s.
13 88.5051, F.S.; providing for penalties for
14 noncompliance; creating s. 88.5061, F.S.;
15 providing for the contest by the obligor of the
16 validity of enforcement of an
17 income-withholding order under certain
18 circumstances; transferring and renumbering s.
19 88.5021, F.S., to conform to the act; amending
20 s. 88.6051, F.S.; revising language with
21 respect to notice of registration of order;
22 amending s. 88.6111, F.S.; revising language
23 with respect to modification of a child support
24 order of another state; amending s. 88.6121,
25 F.S., relating to the recognition of an order
26 modified in another state; creating s. 88.6131,
27 F.S.; providing for jurisdiction to modify the
28 child support order of another state when
29 individual parties reside in this state;
30 creating s. 88.6141, F.S.; providing for notice
31 to the issuing tribunal of modifications;

1 amending s. 88.7011, F.S.; revising language
 2 with respect to proceeding to determine
 3 parentage; creating s. 88.9051, F.S.; providing
 4 for rules; amending s. 213.053, F.S.; revising
 5 language with respect to confidentiality and
 6 information sharing by the Department of
 7 Revenue; amending ss. 231.17, 402.308, 548.021,
 8 and 626.171, F.S.; requiring the inclusion of
 9 the applicant's social security number on
 10 applications for teaching certificates, child
 11 care facility licenses, a license or permit
 12 issued by the State Athletic Commission, and
 13 certain insurance licenses; amending s. 320.05,
 14 F.S.; directing the Department of Highway
 15 Safety and Motor Vehicles to disclose certain
 16 information to child support enforcing
 17 agencies; amending s. 382.013, F.S.; providing
 18 for the use of certain information regarding
 19 registered births; providing for certain
 20 information to be given to unwed mothers;
 21 amending ss. 383.0112, 383.0113, and 383.216,
 22 F.S., relating to the Commission on Responsible
 23 Fatherhood; postponing date of a statewide
 24 symposium; revising appointment of commission
 25 members; providing terms; providing for
 26 assignment to the Department of Children and
 27 Family Services; providing for inclusion of
 28 certain programs in the plan of each prenatal
 29 and infant health care coalition; amending s.
 30 409.2554, F.S.; correcting a cross reference;
 31 creating s. 409.25575, F.S.; providing for the

1 privatization of child support enforcement;
 2 amending s. 409.2561, F.S.; revising language
 3 with respect to reimbursement for public
 4 assistance payments made for support of a
 5 child; amending s. 409.2564, F.S.; revising
 6 language with respect to actions for support;
 7 creating s. 409.25641, F.S.; providing
 8 procedures for processing interstate
 9 enforcement requests; amending s. 409.25645,
 10 F.S.; authorizing the use of administrative
 11 orders to require genetic testing in Title IV-D
 12 cases; amending s. 409.25656, F.S.; revising
 13 language with respect to garnishment; creating
 14 s. 409.25657, F.S.; providing requirements for
 15 financial institutions; amending s. 409.2567,
 16 F.S.; revising language with respect to
 17 services to individuals not otherwise entitled
 18 to delete reference to paternity determination;
 19 amending s. 409.2574, F.S.; directing the
 20 department to serve notice on the obligor with
 21 respect to income deduction notice; creating s.
 22 409.2576, F.S.; creating a State Directory of
 23 New Hires; providing definitions, reports, and
 24 data; providing for service of deduction
 25 notices; providing disclosure; providing for
 26 rulemaking; amending s. 409.2577, F.S.;
 27 revising language with respect to the parent
 28 locator service; providing for certain
 29 notification; creating s. 409.2578, F.S.;
 30 providing for access to employment information;
 31 providing administrative fines; amending s.

1 409.2579, F.S.; revising language with respect
 2 to safeguarding Title IV-D case file
 3 information; amending s. 409.2598, F.S.,
 4 relating to suspension or denial of new or
 5 renewal licenses, registrations, and
 6 certification; amending s. 414.028, F.S.;
 7 authorizing local WAGES coalitions to fund
 8 certain community-based welfare prevention and
 9 reduction initiatives; amending s. 443.171,
 10 F.S., relating to records and reports of
 11 employing units with respect to unemployment
 12 compensation; amending s. 443.1715, F.S.,
 13 relating to the disclosure of certain
 14 information with respect to unemployment
 15 compensation; amending s. 742.031, F.S.;
 16 providing for the recording of each parties
 17 social security number on the order
 18 adjudicating paternity; providing that certain
 19 bills are admissible in evidence; providing
 20 requirements with respect to a judgment of
 21 paternity which does not contain an explicit
 22 award of custody; providing for temporary
 23 orders of child support; creating s. 742.032,
 24 F.S.; providing for the filing of location
 25 information; amending s. 742.10, F.S.;
 26 providing that certain persons may rescind an
 27 acknowledgment of paternity under certain
 28 circumstances; providing for certain rules;
 29 providing for the effect of a signed voluntary
 30 acknowledgement of paternity; amending s.
 31 742.105, F.S., relating to the effect of a

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

23

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

25

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

28

61.046 Definitions.--As used in this chapter:

29

30 (13) "State Case Registry" means a registry maintained
31 by the Title IV-D agency for information related to paternity
and child support orders for Title IV-D. Beginning October 1,

1 1998, information related to non-Title IV-D cases established
2 or modified in the state shall be maintained in the registry.

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

5 61.052 Dissolution of marriage.--

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

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

16 Section 3. Paragraph (b) of subsection (1) of section
17 61.13, Florida Statutes, 1996 Supplement, is amended, and
18 subsections (9) and (10) are added to said section, to read:

19 61.13 Custody and support of children; visitation
20 rights; power of court in making orders.--

21 (1)

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

31

1 of coverage to both parties by adding the cost to the basic
2 obligation determined pursuant to s. 61.30(6).

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

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

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

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

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

29 3. Upon receipt of the order pursuant to subparagraph
30 1. or the notice pursuant to subparagraph 2., or upon
31 application of the obligor pursuant to the order, the payor,

1 union, or employer shall enroll the minor child as a
 2 beneficiary in the group insurance plan and withhold any
 3 required premium from the obligor's income. If more than one
 4 plan is offered by the payor, union, or employer, the child
 5 shall be enrolled in the insurance plan in which the obligor
 6 is enrolled.

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

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

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

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

28 Section 4. Section 61.1301, Florida Statutes, 1996
 29 Supplement, is amended to read:

30 61.1301 Income deduction ~~orders~~.--
 31

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

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

18 1. The income deduction shall be implemented by
19 serving an income deduction notice upon the payor.

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

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

29 1. Direct a payor to deduct from all income due and
30 payable to an obligor the amount required by the court to meet
31 the obligor's support obligation including any attorney's fees

1 or costs owed and forward the deducted amount pursuant to the
2 order.;

3 2. State the amount of arrearage owed, if any, and
4 direct a payor to withhold an additional 20 percent or more of
5 the periodic amount specified in the order establishing,
6 enforcing, or modifying the obligation, until full payment is
7 made of any arrearage, attorney's fees and costs owed,
8 provided no deduction shall be applied to attorney's fees and
9 costs until the full amount of any arrearage is paid;

10 3. Direct a payor not to deduct in excess of the
11 amounts allowed under s. 303(b) of the Consumer Credit
12 Protection Act, 15 U.S.C. s. 1673(b), as amended;

13 4. Direct whether a payor shall deduct all, a
14 specified portion, or no income which is paid in the form of a
15 bonus or other similar one-time payment, up to the amount of
16 arrearage reported in the income deduction notice or the
17 remaining balance thereof, and forward the payment to the
18 governmental depository. For purposes of this subparagraph,
19 "bonus" means a payment in addition to an obligor's usual
20 compensation and which is in addition to any amounts
21 contracted for or otherwise legally due and shall not include
22 any commission payments due an obligor; and

23 5. In Title IV-D cases, direct a payor to provide to
24 the court depository the date on which each deduction is made.

25 (c) The income deduction ~~order~~ is effective
26 immediately unless the court upon good cause shown finds that
27 ~~the~~ income deduction ~~order~~ shall be effective upon a
28 delinquency in an amount specified by the court but not to
29 exceed equal to 1 month's payment pursuant to the order
30 ~~establishing, enforcing, or modifying the obligation.~~ In order
31

1 to find good cause, the court must at a minimum make written
2 findings that:

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

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

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

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

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

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

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

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

31

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

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

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

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

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

21 1. The notice of delinquency shall state:

22 a. The terms of the order establishing, enforcing, or
23 modifying the obligation.

24 b. The period of delinquency and the total amount of
25 the delinquency as of the date the notice is mailed.

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

27 d. The total amount of income to be deducted for each
28 pay period until the arrearage, and all applicable fees and
29 interest, is paid in full and shall state the total amount of
30 income to be deducted for each pay period thereafter. The
31 amounts deducted may not be in excess of that allowed under s.

1 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.
2 1673(b), as amended.

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

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

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

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

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

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

29 1. Modify, suspend, or terminate the ~~order for~~ income
30 deduction notice in accordance with ~~because of~~ a modification,
31

1 suspension, or termination of the support provisions in the
2 underlying order; or

3 2. Modify the amount of income deducted when the
4 arrearage has been paid.

5 (2) ENFORCEMENT OF INCOME DEDUCTION ~~ORDERS~~.--

6 (a) The obligee or his or her agent shall serve an
7 income deduction ~~order and the notice to payor~~, and in the
8 case of a delinquency a notice of delinquency, on the
9 obligor's payor unless the obligor has applied for a hearing
10 to contest the enforcement of the income deduction ~~order~~
11 pursuant to paragraph (c).

12 (b)1. Service by or upon any person who is a party to
13 a proceeding under this section shall be made in the manner
14 prescribed in the Florida Rules of Civil Procedure for service
15 upon parties.

16 2. Service upon an obligor's payor or successor payor
17 under this section shall be made by prepaid certified mail,
18 return receipt requested, or in the manner prescribed in
19 chapter 48.

20 (c)1. The obligor, within 15 days after service of a
21 notice of delinquency, may apply for a hearing to contest the
22 enforcement of the income deduction ~~order~~ on the ground of
23 mistake of fact regarding the amount owed pursuant to an order
24 establishing, enforcing, or modifying an obligation for
25 alimony, for child support, or for alimony and child support,
26 the amount of the arrearage, or the identity of the obligor.
27 The obligor shall send a copy of the pleading to the obligee
28 and, if the obligee is receiving IV-D services, to the IV-D
29 agency. The timely filing of the pleading shall stay the
30 service of an income deduction notice ~~order~~ on all payors of
31 the obligor until a hearing is held and a determination is

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

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

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

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

- 29 1. Provide the obligor's social security number.
- 30 2. Require the payor to deduct from the obligor's
- 31 income the amount specified in the order providing for income

1 deduction ~~order~~, and in the case of a delinquency the amount
 2 specified in the notice of delinquency, and to pay that amount
 3 to the obligee or to the depository, as appropriate. The
 4 amount actually deducted plus all administrative charges shall
 5 not be in excess of the amount allowed under s. 303(b) of the
 6 Consumer Credit Protection Act, 15 U.S.C. s. 1673(b);

7 3. Instruct the payor to implement ~~the~~ income
 8 deduction ~~order~~ no later than the first payment date which
 9 occurs more than 14 days after the date the income deduction
 10 notice ~~order~~ was served on the payor, and the payor shall
 11 conform the amount specified in the income deduction order to
 12 the obligor's pay cycle;

13 4. Instruct the payor to forward, within 2 days after
 14 each date the obligor is entitled to payment from the payor,
 15 to the obligee or to the depository the amount deducted from
 16 the obligor's income, a statement as to whether the amount
 17 totally or partially satisfies the periodic amount specified
 18 in the income deduction notice ~~order~~, and the specific date
 19 each deduction is made. If the IV-D agency is enforcing the
 20 order, the payor shall make these notifications to the agency
 21 instead of the obligee;

22 5. Specify that if a payor fails to deduct the proper
 23 amount from the obligor's income, the payor is liable for the
 24 amount the payor should have deducted, plus costs, interest,
 25 and reasonable attorney's fees;

26 6. Provide that the payor may collect up to \$5 against
 27 the obligor's income to reimburse the payor for administrative
 28 costs for the first income deduction and up to \$2 for each
 29 deduction thereafter;

30 7. State that the income deduction ~~order and the~~
 31 ~~notice to payor~~, and in the case of a delinquency the notice

1 of delinquency, are binding on the payor until further notice
 2 by the obligee, IV-D agency, or the court or until the payor
 3 no longer provides income to the obligor;

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

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

25 10. State that an obligor may bring a civil action in
 26 the courts of this state against a payor who refuses to
 27 employ, discharges, or otherwise disciplines an obligor
 28 because of an income deduction notice order. The obligor is
 29 entitled to reinstatement and all wages and benefits lost,
 30 plus reasonable attorney's fees and costs incurred;

31

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

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

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

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

31

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

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

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

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

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

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

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

1 agency of the account number in writing within 2 days after
2 receipt of the documents or affidavit.

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

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

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

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

30 (3) It is the intent of the Legislature that this
31 section may be used to collect arrearages in child support

1 payments or in alimony payments which have been accrued
2 against an obligor.

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

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

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

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

30 Section 5. Section 61.13016, Florida Statutes, is
31 amended to read:

1 61.13016 Suspension of driver's licenses and motor
 2 vehicle registrations.--
 3 (1) The driver's license and motor vehicle
 4 registration of a child support obligor who is delinquent in
 5 payment or who has failed to comply with subpoenas or a
 6 similar order to appear or show cause relating to paternity or
 7 child support proceedings may be suspended. Upon a
 8 delinquency in child support or failure to comply with a
 9 subpoena, order to appear, order to show cause, or similar
 10 order in IV-D cases, the Title IV-D agency may provide ~~serve~~
 11 notice to ~~on~~ the obligor of the delinquency or failure to
 12 comply with a subpoena, order to appear, order to show cause,
 13 or similar order and the intent to suspend by regular United
 14 States mail that is posted to the obligor's last address of
 15 record with the Department of Highway Safety and Motor
 16 Vehicles as provided under s. 322.245. Upon a delinquency in
 17 child support in non-IV-D cases, and upon the request of the
 18 obligee, the depository or the clerk of the court must provide
 19 ~~serve notice to by certified mail, return receipt requested,~~
 20 ~~on~~ the obligor of the delinquency and the intent to suspend by
 21 regular United States mail that is posted to the obligor's
 22 last address of record with the Department of Highway Safety
 23 and Motor Vehicles as provided under s. 322.245. In either
 24 case, the notice must state:
 25 (a) The terms of the order creating the child support
 26 obligation;
 27 (b) The period of the delinquency and the total amount
 28 of the delinquency as of the date of the notice or describe
 29 the subpoena, order to appear, order to show cause, or other
 30 similar order which has not been complied with;
 31

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

8 1.a. Pays the delinquency in full;

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

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

15 2. Pays any applicable delinquency fees.

16
17 If the obligor in non-IV-D cases enters into a written
18 agreement for payment before ~~prior to~~ the expiration of the
19 20-day ~~15-day~~ period, he must provide a copy of the signed
20 written agreement to the depository or the clerk of the court.

21 (2) If the obligor does not, within 20 ~~15~~ days after
22 the mailing date on ~~receipt of~~ the notice, pay the
23 delinquency, enter into a payment agreement, comply with the
24 subpoena, order to appear, order to show cause, or other
25 similar order, or file a motion to contest, the Title IV-D
26 agency in IV-D cases, or the depository or clerk of the court
27 in non-IV-D cases shall file the notice with the Department of
28 Highway Safety and Motor Vehicles and request the suspension
29 of the obligor's driver's license and motor vehicle
30 registration in accordance with s. 322.058.

31

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

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

22 Section 6. Section 61.1354, Florida Statutes, is
 23 amended to read:

24 61.1354 Sharing of information between consumer
 25 reporting agencies and the IV-D agency.--

26 (1) Upon receipt of a request from a consumer
 27 reporting agency as defined in section 603(f) of the Fair
 28 Credit Reporting Act, the IV-D agency or the depository in
 29 non-Title-IV-D cases shall make available information relating
 30 to the amount of overdue support owed by an obligor ~~when the~~
 31 ~~amount exceeds \$500.~~

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

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

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

30 (a) The consumer report is needed for the purpose of
 31 determining an individual's income and establishing an

1 individual's capacity to make child support payments or
2 determining the appropriate amount of such payment by the
3 individual;

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

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

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

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

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

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

24 61.14 Enforcement and modification of support,
25 maintenance, or alimony agreements or orders.--

26 (1)(a) When the parties enter into an agreement for
27 payments for, or instead of, support, maintenance, or alimony,
28 whether in connection with a proceeding for dissolution or
29 separate maintenance or with any voluntary property
30 settlement, or when a party is required by court order to make
31 any payments, and the circumstances or the financial ability

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

18 (b) In Title IV-D cases reviewed pursuant to the
 19 3-year review and adjustment cycle, no substantial change of
 20 circumstance need be proven to warrant a modification.

21 (c) The department shall have authority to adopt rules
 22 to implement this section.

23 (6)

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

27 a. The delinquency and its amount.

28 b. An impending judgment by operation of law against
 29 him or her in the amount of the delinquency and all other
 30 amounts which thereafter become due and are unpaid, together
 31

1 with costs and a fee of \$5, for failure to pay the amount of
2 the delinquency.

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

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

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

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

16 (8) Notwithstanding the provisions of s. 440.22, any
17 compensation due or that may become due an employee under
18 chapter 440 is exempt from garnishment, attachment, execution,
19 and assignment of income, except for the purposes of enforcing
20 child or spousal support obligations.

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

24 61.181 Central depository for receiving, recording,
25 reporting, monitoring, and disbursing alimony, support,
26 maintenance, and child support payments; fees.--

27 (1) The office of the clerk of the court shall operate
28 a depository unless the depository is otherwise created by
29 special act of the Legislature or unless, prior to June 1,
30 1985, a different entity was established to perform such
31 functions. The department shall, no later than July 1, 1998

1 ~~1997~~, extend participation in the federal child support cost
2 reimbursement program to the central depository in each
3 county, to the maximum extent possible under existing federal
4 law. The depository shall receive reimbursement for services
5 provided under a cooperative agreement with the department as
6 provided by federal law.

7 (3)(a) The depository shall collect and distribute all
8 support payments paid into the depository to the appropriate
9 party. On or after July 1, 1998 ~~1997~~, if a payment is made
10 which is not accompanied by the required transaction fee, the
11 depository shall not deduct any moneys from the support
12 payment for payment of the fee. Nonpayment of the required
13 fee shall be considered a delinquency, and when the total of
14 fees and costs which are due but not paid exceeds \$50, the
15 judgment by operation of law process set forth in s.

16 61.14(6)(a) shall become applicable and operational. As part
17 of its collection and distribution functions, the depository
18 shall maintain records listing:

19 1. The obligor's name, address, social security
20 number, place of employment, and any other sources of income.

21 2. The obligee's name, address, and social security
22 number.

23 3. The amount of support due as provided in the court
24 order.

25 4. The schedule of payment as provided in the court
26 order.

27 5. The actual amount of each support payment received,
28 the date of receipt, the amount disbursed, and the recipient
29 of the disbursement.

30 6. The unpaid balance of any arrearage due as provided
31 in the court order.

1 7. Other records as necessary to comply with federal
2 reporting requirements.

3 Section 9. Effective June 1, 1997, subsection (1) of
4 section 61.1812, Florida Statutes, is amended to read:

5 61.1812 Child Support Incentive Trust Fund.--

6 (1) The Child Support Incentive Trust Fund is hereby
7 created, to be administered by the Department of Revenue. All
8 child support enforcement incentive earnings and that portion
9 of the state share of Title IV-A public assistance collections
10 recovered in fiscal year 1996-1997 by the title IV-D program
11 of the department, which is in excess of the amount estimated
12 by the February, 1997 Social Services Estimating Conference to
13 be recovered in fiscal year 1996-1997, shall be credited to
14 the trust fund, and no other receipts, except interest
15 earnings, shall be credited thereto. For fiscal years
16 1997-1998 and 1998-1999, in addition to incentive earnings and
17 interest earnings, that portion of the state share of Title
18 IV-A public assistance collections recovered in each fiscal
19 year by the Title IV-D program of the department, which is in
20 excess of the amount estimated by the February, 1997 Social
21 Services Estimating Conference to be recovered in fiscal year
22 1997-1998, shall be credited to the trust fund.The purpose of
23 the trust fund is to account for federal incentive payments to
24 the state for child support enforcement and to support the
25 activities of the child support enforcement program under
26 Title IV-D of the Social Security Act. The department shall
27 invest the money in the trust fund pursuant to ss.
28 215.44-215.52, and retain all interest earnings in the trust
29 fund. The department shall separately account for receipts
30 credited to the trust fund.

1 Section 10. Section 61.1814, Florida Statutes, 1996
2 Supplement, is amended to read:

3 61.1814 Child Support Enforcement Application and
4 Program Revenue ~~User Fee~~ Trust Fund.--The Child Support
5 Enforcement Application and Program Revenue ~~User Fee~~ Trust
6 Fund is hereby created, to be administered by the Department
7 of Revenue. The fund shall be used for the deposit of
8 application fees of nonpublic assistance ~~non-AFDC~~ applicants
9 for child support enforcement services and fines imposed under
10 ss. 409.2564(8) and 409.2578. Moneys deposited from fines
11 imposed under ss. 409.2564(8) and 409.2578 shall be maintained
12 separately from moneys deposited from application fees.

13 Section 11. Paragraph (b) of subsection (1),
14 subsection (2), and paragraphs (b) and (f) of subsection (11)
15 and subsection (16) of section 61.30, Florida Statutes, 1996
16 Supplement, are amended, paragraph (c) is added to subsection
17 (1) of said section, and subsection (17) is added to said
18 section to read:

19 61.30 Child support guidelines; retroactive child
20 support.--

21 (1)

22 (b) The guidelines may provide the basis for proving a
23 substantial change in circumstances upon which a modification
24 of an existing order may be granted. However, the difference
25 between the existing monthly obligation ~~order~~ and the amount
26 provided for under the guidelines shall be at least 15 percent
27 or \$50, whichever amount is greater, before the court may find
28 that the guidelines provide a substantial change in
29 circumstances.

1 (c) In Title IV-D cases reviewed pursuant to the
2 3-year review and adjustment cycle, no change of circumstance
3 need be proven to warrant a modification.

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

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

8 1. Salary or wages.

9 2. Bonuses, commissions, allowances, overtime, tips,
10 and other similar payments.

11 3. Business income from sources such as
12 self-employment, partnership, close corporations, and
13 independent contracts. "Business income" means gross receipts
14 minus ordinary and necessary expenses required to produce
15 income.

16 4. Disability benefits.

17 5. Worker's compensation.

18 6. Unemployment compensation.

19 7. Pension, retirement, or annuity payments.

20 8. Social security benefits.

21 9. Spousal support received from a previous marriage
22 or court ordered in the marriage before the court.

23 10. Interest and dividends.

24 11. Rental income, which is gross receipts minus
25 ordinary and necessary expenses required to produce the
26 income.

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

28 13. Reimbursed expenses or in kind payments to the
29 extent that they reduce living expenses.

30 14. Gains derived from dealings in property, unless
31 the gain is nonrecurring.

1 (b) Income on a monthly basis shall be imputed to an
2 unemployed or underemployed parent when such employment or
3 underemployment is found to be voluntary on that parent's
4 part, absent physical or mental incapacity or other
5 circumstances over which the parent has no control. In the
6 event of such voluntary unemployment or underemployment, the
7 employment potential and probable earnings level of the parent
8 shall be determined based upon his or her recent work history,
9 occupational qualifications, and prevailing earnings level in
10 the community; however, the court may refuse to impute income
11 to a primary residential parent if the court finds it
12 necessary for the parent to stay home with the child.

13 (c) Public assistance as defined in s. 409.2554
14 ~~Temporary assistance under the WAGES Program~~ shall be excluded
15 from gross income.

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

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

21 (f) Special needs, such as costs that may be
22 associated with the disability of a child, that have
23 traditionally been met within the family budget even though
24 the fulfilling of those needs will cause the support to exceed
25 the proposed guidelines.

26 (16) The Legislature shall review the guidelines
27 established in this section at least every 4 years beginning
28 in, and shall review the guidelines in 1997.

29 (17) In an initial determination of child support,
30 whether in a paternity action, dissolution of marriage action,
31 or petition for support during the marriage, the court has

1 discretion to award child support retroactive to the date when
2 the parents did not reside together in the same household with
3 the child, regardless of whether that date precedes the filing
4 of the petition. In determining the retroactive award in such
5 cases, the court shall consider the following:

6 (a) The court shall apply the guidelines in effect at
7 the time of the hearing subject to the obligor's demonstration
8 of his or her actual income, as defined by s. 61.30(2), during
9 the retroactive period. Failure of the obligor to so
10 demonstrate, shall result in the court using the obligor's
11 income at the time of the hearing, in computing child support
12 for the retroactive period.

13 (b) All actual payments made by the noncustodial
14 parent to the custodial parent or the child or third parties
15 for the benefit of the child throughout the proposed
16 retroactive period.

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

19 Section 12. The Office of Program Policy Analysis and
20 Government Accountability, through its staff or by contract
21 with a vendor, is directed to study and analyze case data,
22 gathered through a statistically valid random sample of child
23 support enforcement orders established in IV-D cases on or
24 after July 1, 1993, on the application of, and deviations
25 from, the child support guidelines under s. 61.30. The office
26 shall report its findings to the Governor, the President of
27 the Senate, the Speaker of the House of Representatives, and
28 the Chief Justice, no later than January 31, 1998.

29 Section 13. Subsections (7), (16), and (19) of section
30 88.1011, Florida Statutes, 1996 Supplement, are amended to
31 read:

1 88.1011 Definitions.--As used in this act:

2 (7) "Initiating state" means a state from ~~in~~ which a
3 proceeding is forwarded or in which a proceeding is filed for
4 forwarding to a responding state under this act or a law or
5 procedure substantially similar to this act, the Uniform
6 Reciprocal Enforcement of Support Act, or the Revised Uniform
7 Reciprocal Enforcement of Support Act ~~is filed for forwarding~~
8 ~~to a responding state~~.

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

15 (19) "State" means a state of the United States, the
16 District of Columbia, ~~the Commonwealth of~~ Puerto Rico, the
17 United States Virgin Islands, or any territory or insular
18 possession subject to the jurisdiction of the United States.
19 The term "state" includes:

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

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

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

29 88.1021 Tribunal of ~~this~~ state.--

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

1 88.2031 Initiating and responding tribunal of ~~this~~
2 state.--

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

6 88.2051 Continuing exclusive jurisdiction.--

7 (1) A tribunal of this state issuing a support order
8 consistent with the law of this state has continuing exclusive
9 jurisdiction over a child support order:

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

14 (2) A tribunal of this state issuing a child support
15 order consistent with the law of this state may not exercise
16 its continuing jurisdiction to modify the order if the order
17 has been modified by a tribunal of another state pursuant to
18 this act or a law substantially similar to this act.

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

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

27 (b) Enforce nonmodifiable aspects of that order; and

28 (c) Provide other appropriate relief for violations of
29 that order which occurred before the effective date of the
30 modification.

31

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

5 Section 17. Section 88.2071, Florida Statutes, 1996
6 Supplement, is amended to read:

7 (Substantial rewording of section. See
8 s. 88.2071, F.S., 1996 Supp., for present text.)
9 88.2071 Recognition of controlling child support
10 order.--

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

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

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

23 (b) If more than one of the tribunals would have
24 continuing, exclusive jurisdiction under this act, an order
25 issued by a tribunal in the current home state of the child
26 controls and must be so recognized, but if an order has not
27 been issued in the current home state of the child, the order
28 most recently issued controls and must be so recognized.

29 (c) If none of the tribunals would have continuing,
30 exclusive jurisdiction under this act, the tribunal of this
31

1 state having jurisdiction over the parties shall issue a child
2 support order, which controls and must be so recognized.

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

12 (4) The tribunal that issued the controlling order
13 under subsection (1), subsection (2), or subsection (3) is the
14 tribunal that has continuing, exclusive jurisdiction under s.
15 88.2051.

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

21 (6) Within 30 days after issuance of an order
22 determining the identity of the controlling order, the party
23 obtaining the order shall file a certified copy of it with
24 each tribunal that issued or registered an earlier order of
25 child support. A party who obtains the order and fails to
26 file a certified copy is subject to appropriate sanctions by a
27 tribunal in which the issues of failure to file arises. The
28 failure to file does not affect the validity or enforceability
29 of the controlling order.

30
31

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

4 88.3011 Proceedings under this act.--

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

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

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

10 88.3031 Application of law of ~~this~~ state.--Except as
11 otherwise provided by this act, a responding tribunal of this
12 state:

13 Section 20. Section 88.3041, Florida Statutes, 1996
14 Supplement, is amended to read:

15 88.3041 Duties of initiating tribunal.--

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

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

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

27 (2) If a responding state has not enacted this act or
28 a law or procedure substantially similar to this act, a
29 tribunal of this state may issue a certificate or other
30 document and make findings required by the law of the
31 responding state. If the responding state is a foreign

1 jurisdiction, the tribunal may specify the amount of support
2 sought and provide other documents necessary to satisfy the
3 requirements of the responding state.

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

7 88.3051 Duties and powers of responding tribunal.--

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

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

17 Section 22. Section 88.3061, Florida Statutes, 1996
18 Supplement, is amended to read:

19 88.3061 Inappropriate tribunal.--If a petition or
20 comparable pleading is received by an inappropriate tribunal
21 of this state, it shall forward the pleading and accompanying
22 documents to an appropriate tribunal in this state or another
23 state and notify the petitioner ~~by first class mail~~ where and
24 when the pleading was sent.

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

28 88.3071 Duties of support enforcement agency.--

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

31

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

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

9 Section 24. Section 88.5011, Florida Statutes, 1996
10 Supplement, is amended to read:

11 88.5011 Employer's receipt Recognition of
12 income-withholding order of another state.--

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

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

23 ~~(b) Immediately provide a copy of the order to the~~
24 ~~obligor.~~

25 ~~(c) Distribute the funds as directed in the~~
26 ~~withholding order.~~

27 ~~(2) An obligor may contest the validity or enforcement~~
28 ~~of an income-withholding order issued in another state in the~~
29 ~~same manner as if the order had been issued by a tribunal of~~
30 ~~this state. Section 88.6041 (choice of law) applies to the~~
31 ~~contest. The obligor shall give notice of the contest to any~~

1 ~~support enforcement agency providing services to the obligee~~
2 ~~and to:~~

3 ~~(a) The person or agency designated to receive~~
4 ~~payments in the income-withholding order; or~~

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

6 Section 25. Section 88.50211, Florida Statutes, is
7 created to read:

8 88.50211 Employer's compliance with income-withholding
9 order of another state.--

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

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

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

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

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

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

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

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

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

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

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

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

12 Section 26. Section 88.5031, Florida Statutes, is
13 created to read:

14 88.5031 Compliance with multiple income-withholding
15 orders.--If the obligor's employer receives multiple
16 income-withholding orders with respect to the earnings of the
17 same obligor, the employer satisfies the terms of the multiple
18 orders if the employer complies with the law of the state of
19 the obligor's principal place of employment to establish the
20 priorities for withholding and allocating income withheld for
21 multiple child support obligees.

22 Section 27. Section 88.5041, Florida Statutes, is
23 created to read:

24 88.5041 Immunity from civil liability.--An employer
25 who complies with an income-withholding order issued in
26 another state in accordance with this article is not subject
27 to civil liability to an individual or agency with regard to
28 the employer's withholding of child support from the obligor's
29 income.

30 Section 28. Section 88.5051, Florida Statutes, is
31 created to read:

1 88.5051 Penalties for noncompliance.--An employer who
2 willfully fails to comply with an income-withholding order
3 issued by another state and received for enforcement is
4 subject to the same penalties that may be imposed for
5 noncompliance with an order issued by a tribunal of this
6 state.

7 Section 29. Section 88.5061, Florida Statutes, is
8 created to read:

9 88.5061 Contest by obligor.--

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

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

17 (a) A support enforcement agency providing services to
18 the obligee;

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

21 (c) The person or agency designated to receive
22 payments in the income-withholding order, or if no person or
23 agency is designated, to the obligee.

24 Section 30. Section 88.5021, Florida Statutes, is
25 transferred and renumbered as section 88.5071, Florida
26 Statutes.

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

29 88.6051 Notice of registration of order.--

30 (1) When a support order or income-withholding order
31 issued in another state is registered, the registering

1 tribunal shall notify the nonregistering party. ~~Notice must~~
2 ~~be given by first class, certified, or registered mail or by~~
3 ~~any means of personal service authorized by the law of this~~
4 ~~state.~~The notice must be accompanied by a copy of the
5 registered order and the documents and relevant information
6 accompanying the order.

7 Section 32. Subsections (1) and (3) of section
8 88.6061, Florida Statutes, 1996 Supplement, are amended to
9 read:

10 88.6061 Procedure to contest validity or enforcement
11 of registered order.--

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

21 (3) If a nonregistering party requests a hearing to
22 contest the validity or enforcement of the registered order,
23 the registering tribunal shall schedule the matter for hearing
24 and give notice to the parties ~~by first class mail~~ of the
25 date, time, and place of the hearing.

26 Section 33. Section 88.6111, Florida Statutes, 1996
27 Supplement, is amended to read:

28 88.6111 Modification of child support order of another
29 state.--

30 (1) After a child support order issued in another
31 state has been registered in this state, the responding

1 tribunal of this state may modify that order only if, s.
2 88.6131 does not apply and after notice and hearing, it finds
3 that:

4 (a) The following requirements are met:

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

7 2. A petitioner who is a nonresident of this state
8 seeks modification; and

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

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

24 (2) Modification of a registered child support order
25 is subject to the same requirements, procedures, and defenses
26 that apply to the modification of an order issued by a
27 tribunal of this state and the order may be enforced and
28 satisfied in the same manner.

29 (3) A tribunal of this state may not modify any aspect
30 of a child support order that may not be modified under the
31 law of the issuing state. If two or more tribunals have

1 issued child support orders for the same obligor and child,
2 the order that controls and must be so recognized under s.
3 88.2071 establishes the aspects of the support order which are
4 nonmodifiable.

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

8 ~~(5) Within 30 days after issuance of a modified child~~
9 ~~support order, the party obtaining the modification shall file~~
10 ~~a certified copy of the order with the issuing tribunal which~~
11 ~~had continuing exclusive jurisdiction over the earlier order,~~
12 ~~and in each tribunal in which the party knows that earlier~~
13 ~~order has been registered.~~

14 Section 34. Section 88.6121, Florida Statutes, 1996
15 Supplement, is amended to read:

16 88.6121 Recognition of order modified in another
17 state.--A tribunal of this state shall recognize a
18 modification of its earlier child support order by a tribunal
19 of another state which assumed jurisdiction pursuant to this
20 act or a law substantially similar to this act and, upon
21 request, except as otherwise provided in this act, shall:

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

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

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

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

30 Section 35. Section 88.6131, Florida Statutes, is
31 created to read:

1 88.6131 Jurisdiction to modify child support order of
2 another state when individual parties reside in this state.--

3 (1) If all of the parties who are individuals reside
4 in this state and the child does not reside in the issuing
5 state, a tribunal of this state has jurisdiction to enforce
6 and to modify the issuing state's child support order in a
7 proceeding to register that order.

8 (2) A tribunal of this state exercising jurisdiction
9 under this section shall apply the provisions of parts I and
10 II, this part and the procedural and substantive law of this
11 state to the proceeding for enforcement or modification.

12 Parts III through V, and parts VII and VIII do not apply.

13 Section 36. Section 88.6141, Florida Statutes, is
14 created to read:

15 88.6141 Notice to issuing tribunal of
16 modifications.--Within 30 days after issuance of a modified
17 child support order, the party obtaining the modification
18 shall file a certified copy of the order with the issuing
19 tribunal that had continuing exclusive jurisdiction over the
20 earlier order, and in each tribunal in which the party knows
21 the earlier order has been registered. A party who obtains
22 the order and fails to file a certified copy is subject to
23 appropriate sanctions by a tribunal in which the issue of
24 failure to file arises. The failure to file does not affect
25 the validity or enforceability of the modified order of the
26 new tribunal having continuing exclusive jurisdiction.

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

29 88.7011 Proceeding to determine parentage.--

30 (1) A tribunal of this state may serve as an
31 initiating or responding tribunal in a proceeding brought

1 under this act or a law or procedure substantially similar to
2 this act, the Uniform Reciprocal Enforcement of Support Act,
3 or the Revised Uniform Reciprocal Enforcement of Support Act
4 to determine that the petitioner is a parent of a particular
5 child or to determine that a respondent is a parent of that
6 child.

7 Section 38. Section 88.9051, Florida Statutes, is
8 created to read:

9 88.9051 Authority to adopt rules.--The department
10 shall have the authority to adopt rules to implement this
11 chapter.

12 Section 39. Subsection (15) of section 213.053,
13 Florida Statutes, 1996 Supplement, as amended by chapters
14 95-272 and 96-406, Laws of Florida, is amended to read:

15 213.053 Confidentiality and information sharing.--

16 (15) The department may disclose confidential taxpayer
17 information ~~location information limited to the names and~~
18 ~~addresses~~ contained in returns, reports, accounts, or
19 declarations filed with the department by persons subject to
20 any state or local a tax enumerated in s. 213.05 to the
21 Division of Child Support Enforcement to assist in the
22 location of parents who owe or potentially owe a duty of
23 support pursuant to Title IV-D of the Social Security Act,
24 their assets, their income, and their employer. ~~Additionally,~~
25 ~~the department may disclose asset information limited to the~~
26 ~~number of units, value, and description of all intangible~~
27 ~~personal property contained in returns, reports, accounts, or~~
28 ~~declarations filed with the department by persons subject to~~
29 ~~the tax imposed in chapter 199 to the Division of Child~~
30 ~~Support Enforcement to assist in the location of assets owned~~
31 ~~by parents who owe or potentially owe a duty of support~~

1 ~~pursuant to Title IV-D of the Social Security Act.~~ Nothing in
2 this subsection authorizes the disclosure of information if
3 such disclosure is prohibited by federal law. Employees of the
4 Division of Child Support Enforcement are bound by the same
5 requirements of confidentiality and the same penalties for
6 violation of the requirements as the department.

7 Section 40. Paragraph (a) of subsection (1) of section
8 231.17, Florida Statutes, 1996 Supplement, is amended to read:

9 231.17 Official statements of eligibility and
10 certificates granted on application to those meeting
11 prescribed requirements.--

12 (1) REQUIREMENTS.--

13 (a) Each person seeking certification pursuant to this
14 chapter shall submit a completed application to the Department
15 of Education and remit the fee required pursuant to s. 231.30.
16 Applications submitted shall contain the applicant's social
17 security number. Pursuant to the federal Personal
18 Responsibility and Work Opportunity Reconciliation Act of
19 1996, each party is required to provide his or her social
20 security number in accordance with this section. Disclosure
21 of social security numbers obtained through this requirement
22 shall be limited to the purpose of administration of the Title
23 IV-D program for child support enforcement.

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

26 320.05 Records of the department; inspection
27 procedure; lists and searches; fees.--

28 (1) Upon receipt of an application for the
29 registration of a motor vehicle or mobile home, as herein
30 provided for, the department shall register the motor vehicle
31 or mobile home under the distinctive number assigned to such

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

28 Section 42. Paragraph (a) of subsection (1) of section
 29 382.008, Florida Statutes, 1996 Supplement, is amended to
 30 read:

31 382.008 Death and fetal death registration.--

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

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

11 Section 43. Subsection (1) and paragraph (b) of
12 subsection (2) of section 382.013, Florida Statutes, are
13 amended to read:

14 382.013 Certificate of birth; registration.--

15 (1) A certificate of birth for each live birth which
16 occurs in this state shall be registered within 5 days after
17 such birth with the local registrar of the district in which
18 the birth occurred and shall be filed by the state office if
19 it has been completed and registered in accordance with this
20 section. The information regarding registered births shall be
21 used for comparison with information in the state case
22 registry, as defined in chapter 61.

23 (2)

24 (b) If the mother is not married at the time of birth,
25 the person in charge of the institution or that person's
26 designated representative shall, after giving notice, orally
27 and in writing of the alternatives to, the legal consequences
28 of, and the rights, including, if one parent is a minor, any
29 rights afforded due to minority status, and responsibilities
30 that arise from, signing an acknowledgment of paternity, give
31 the mother and the person to be named as the father the

1 consent affidavit provided for in paragraph (6)(b) as well as
2 information provided by the Title IV-D agency established
3 pursuant to s. 409.2557 regarding the benefits of voluntary
4 establishment of paternity. The person in charge of the
5 institution or the designated representative, when requested
6 by the mother and the person to be named as the father, shall
7 assist in the execution of said consent affidavit.

8 Section 44. Paragraph (g) of subsection (2) of section
9 383.0112, Florida Statutes, 1996 Supplement, is amended to
10 read:

11 383.0112 The Commission on Responsible Fatherhood;
12 purpose; principles and responsibilities.--The purpose of the
13 Commission on Responsible Fatherhood is to raise awareness of
14 the problems created when a child grows up without the
15 presence of a responsible father, to identify obstacles that
16 impede or prevent the involvement of responsible fathers in
17 the lives of their children, and to identify strategies that
18 are successful in encouraging responsible fatherhood.

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

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

24 Section 45. Section 383.0113, Florida Statutes, 1996
25 Supplement, is amended to read:

26 383.0113 Commission on Responsible Fatherhood;
27 creation; membership; powers and duties.--There is created the
28 Commission on Responsible Fatherhood in the Department of
29 Children and Family ~~Health and Rehabilitative~~ Services.

30 (1) The commission shall consist of not more than 25
31 members, as provided in this subsection and subsection (2),

1 except that for the time period from June 30, 1997, through
2 June 30, 1998, the commission may have up to 32 members
3 follows:

4 (a) Nine ~~Seven~~ members to be appointed by the
5 Governor. The appointments shall represent the various
6 organizations and individuals who have expertise in promoting
7 successful strategies for involving responsible fathers in the
8 lives of their children.

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

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

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

15 ~~(c)(e)~~ A representative of Healthy Start, to be chosen
16 by the Florida Association of Healthy Start Coalitions.

17 ~~(d)(f)~~ Two members of the House of Representatives
18 from different political parties, to be appointed by the
19 Speaker.

20 ~~(e)(g)~~ Two members of the Senate from different
21 political parties, to be appointed by the President.

22 ~~(h) A representative from the Florida Association of~~
23 ~~Deans and Directors of Schools and departments of social work~~
24 ~~from Florida colleges and universities.~~

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

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

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

31

1 ~~(l) A representative of the American Association of~~
2 ~~Retired Persons.~~

3 ~~(m) A representative of the Florida Chamber of~~
4 ~~Commerce.~~

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

6 (f)~~(o)~~ Three additional members to be appointed by the
7 other members of the commission based on specific needs.

8 (2) The following representatives of state agencies
9 shall serve on the commission ~~Technical assistance will be~~
10 ~~provided to the commission by the following:~~

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

13 (b) The Commissioner of Education, or the
14 commissioner's designee.

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

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

20 (e) The Secretary of Health, or the secretary's
21 designee. The designee must have experience with
22 community-based prenatal and infant health care coalitions as
23 established under s. 383.216.~~A representative of The Parent~~
24 ~~Network of Florida.~~

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

28 (g) The secretary of the Department of Juvenile
29 Justice or the secretary's designee.

30
31

1 ~~Per diem and travel expenses for the individuals providing~~
 2 ~~technical assistance is to be provided from the budgets of~~
 3 ~~those agencies.~~

4 (3) All members of the commission, other than the
 5 Governor's appointments and the commission's appointments,
 6 must be appointed by July 1 of each year ~~within 30 days after~~
 7 ~~this section, s. 383.0112, and s. 383.0114 become law.~~ The
 8 appointments of the Governor shall be made 30 days after the
 9 other appointments, to allow for the composition of the
 10 commission to be broadly reflective of the public. Except as
 11 provided in subsection (4), members shall be appointed for a
 12 2-year term. Any member may be reappointed.The chairperson
 13 and vice chairperson of the commission shall be appointed by
 14 the Governor and shall serve for 2 years. The commission is
 15 encouraged to appoint subcommittees, including regional
 16 subcommittees, that include citizens who are knowledgeable in
 17 a subject area but who are not members of the commission and
 18 who may not vote on the final report and recommendations of
 19 the commission, but may submit reports and recommendations for
 20 review by the commission and may be invited to testify to the
 21 commission by a member of the commission.

22 (4) Terms of all members who are serving on the
 23 commission on the effective date of this act shall expire June
 24 30, 1998. Thereafter, one-half of the initial appointments of
 25 the Governor and commission shall be for a 1-year term, to
 26 provide for staggered terms.

27 ~~(5)(4) The commission shall hold its first meeting~~
 28 ~~within 30 days after the appointments, except the Governor's~~
 29 ~~and the commission's appointments, are made.~~Members of the
 30 commission shall serve without compensation but shall be
 31 allowed per diem and travel expenses, as provided in s.

1 112.061. Per diem and travel expenses of members of the
2 commission employed by the State of Florida are to be provided
3 from the budgets of those employing agencies. Members of the
4 commission who serve as members of the Legislature are to be
5 reimbursed from the legislative budget.

6 (6)~~(5)~~ The commission shall meet as the resources of
7 the commission allow.

8 (7)~~(6)~~ Subject to the availability of funds, the
9 department ~~of Health and Rehabilitative Services~~ is directed
10 to contract with one or more corporations, agencies,
11 individuals, or governmental entities to accomplish the goals
12 of s. 383.0112 and this section. The department ~~of Health and~~
13 ~~Rehabilitative Services~~ must ensure that the corporations,
14 agencies, individuals, or governmental entities, either
15 separately or together, are able to provide staff support
16 services and must have the research ability to carry out the
17 purposes and responsibilities of the commission.

18 (8)~~(7)~~ The commission shall have the authority to
19 apply for grants and accept private contributions.

20 (9)~~(8)~~ The commission is assigned to the department ~~of~~
21 ~~Health and Rehabilitative Services~~ for administrative and
22 fiscal accountability purposes, but it shall otherwise
23 function independently of the control, supervision, and
24 direction of the department.

25 (10)~~(9)~~ The Governor may remove any member of the
26 commission for cause.

27 (11)~~(10)~~ The commission shall develop a budget
28 pursuant to the provisions of chapter 216. The budget is not
29 subject to change by the department staff after it has been
30 approved by the commission, but it shall be transmitted to the
31 Governor along with the budget of the department.

1 Section 46. Section 383.216, Florida Statutes, is
2 amended to read:

3 383.216 Community-based prenatal and infant health
4 care.--

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

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

23 (a) Perform community assessments, using the Planned
24 Approach to Community Health (PATCH) process, to identify the
25 local need for comprehensive preventive and primary prenatal
26 and infant health care. These assessments shall be used to:

27 1. Determine the priority target groups for receipt of
28 care.

29 2. Determine outcome performance objectives jointly
30 with the department.

31 3. Identify potential local providers of services.

1 4. Determine the type of services required to serve
2 the identified priority target groups.

3 5. Identify the unmet need for services for the
4 identified priority target groups.

5 (b) Design a prenatal and infant health care services
6 delivery plan which is consistent with local community
7 objectives and this section.

8 (c) Solicit and select local service providers based
9 on reliability and availability, and define the role of each
10 in the services delivery plan.

11 (d) Determine the allocation of available federal,
12 state, and local resources to prenatal and infant health care
13 providers.

14 (e) Review, monitor, and advise the department
15 concerning the performance of the services delivery system,
16 and make any necessary annual adjustments in the design of the
17 delivery system, the provider composition, the targeting of
18 services, and other factors necessary for achieving projected
19 outcomes.

20 (f) Build broad-based community support.

21 (3) Each prenatal and infant health care coalition
22 shall identify and encourage community-based approaches that
23 promote successful strategies for involving responsible
24 fathers in the lives of their children.

25 ~~(4)(3)~~ Supervision of the prenatal and infant health
26 care coalitions is the responsibility of the department. The
27 department shall:

28 (a) Assist in the formation and development of the
29 coalitions.
30
31

1 (b) Define the core services package so that it is
2 consistent with the prenatal and infant health care services
3 delivery plan.

4 (c) Provide data and technical assistance.

5 (d) Assure implementation of a quality management
6 system within the provider coalition.

7 (e) Define statewide, uniform eligibility and fee
8 schedules.

9 (f) Evaluate provider performance based on outcome
10 measures established by the prenatal and infant health care
11 coalition and the department.

12 (5)~~(4)~~ In those communities which do not elect to
13 establish a prenatal and infant health care coalition, the
14 department ~~of Health and Rehabilitative Services~~ is
15 responsible for all of the functions delegated to the
16 coalitions in this section.

17 (6)~~(5)~~ The membership of each prenatal and infant
18 health care coalition shall represent health care providers,
19 the recipient community, and the community at large; shall
20 represent the racial, ethnic, and gender composition of the
21 community; and shall include at least the following:

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

25 (b) Health care providers, including:

26 1. County ~~public~~ health departments ~~units~~.

27 2. Migrant and community health centers.

28 3. Hospitals.

29 4. Local medical societies.

30 5. Local health planning organizations.

31

1 (c) Local health advocacy interest groups and
2 community organizations.

3 (d) County and municipal governments.

4 (e) Social service organizations.

5 (f) Local education communities.

6 (7)~~(6)~~ Prenatal and infant health care coalitions may
7 be established for single counties or for services delivery
8 catchment areas. A prenatal and infant health care coalition
9 shall be initiated at the local level on a voluntary basis.
10 Once a coalition has been organized locally and includes the
11 membership specified in subsection(6)~~(5)~~, the coalition must
12 submit a list of its members to the Secretary of Health and
13 ~~Rehabilitative Services~~ to carry out the responsibilities
14 outlined in this section.

15 (8)~~(7)~~ Effective January 1, 1992, the department of
16 ~~Health and Rehabilitative Services~~ shall provide up to
17 \$150,000 to each prenatal and infant health care coalition
18 that petitions for recognition, meets the membership criteria,
19 demonstrates the commitment of all the designated members to
20 participate in the coalition, and provides a local cash or
21 in-kind contribution match of 25 percent of the costs of the
22 coalition. An in-kind contribution match may be in the form of
23 staff time, office facilities, or supplies or other materials
24 necessary for the functioning of the coalition.

25 (9)~~(8)~~ Local prenatal and infant health care
26 coalitions may hire staff or contract for independent staffing
27 and support to enable them to carry out the objectives of this
28 section. Staff shall have knowledge and expertise in
29 community health and related resources and planning, grant
30 writing, public information and communication techniques,
31 organizational development, and data compilation and analysis.

1 ~~(10)(9)~~ Local prenatal and infant health care
2 coalitions shall incorporate as not-for-profit corporations
3 for the purpose of seeking and receiving grants from federal,
4 state, and local government and other contributors.

5 ~~(11)(10)~~ The department of ~~Health and Rehabilitative~~
6 ~~Services~~ shall adopt rules as necessary to implement this
7 section, including rules defining acceptable "in-kind"
8 contributions.

9 Section 47. Paragraph (a) of subsection (3) of section
10 402.308, Florida Statutes, is amended to read:

11 402.308 Issuance of license.--

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

15 (a) Application for a license or for a renewal of a
16 license to operate a child care facility shall be made in the
17 manner and on the forms prescribed by the department. The
18 applicant's social security number shall be included on the
19 form submitted to the department. Pursuant to the federal
20 Personal Responsibility and Work Opportunity Reconciliation
21 Act of 1996, each applicant is required to provide his or her
22 social security number in accordance with this section.
23 Disclosure of social security numbers obtained through this
24 requirement shall be limited to the purpose of administration
25 of the Title IV-D program for child support enforcement.

26 Section 48. The introductory paragraph of section
27 409.2554, Florida Statutes, 1996 Supplement, is amended to
28 read:

29 409.2554 Definitions.--As used in ss.

30 409.2551-409.2598 ~~409.2551-409.2597~~, the term:

1 Section 49. Section 409.25575, Florida Statutes, is
2 created to read:

3 409.25575 Child support enforcement; privatization.--

4 (1) It is the intent of the Legislature to encourage
5 the Department of Revenue to contract with private entities
6 for the provision of child support enforcement services
7 whenever such contracting is cost-effective.

8 (2) The department shall contract for the delivery,
9 administration, or management of child support enforcement
10 activities and other related services or programs, when
11 appropriate. The department shall retain responsibility for
12 the quality of contracted services and programs and shall
13 ensure that services are delivered in accordance with
14 applicable federal and state statutes and regulations.

15 (3)(a) The department shall establish a quality
16 assurance program for the privatization of services. The
17 quality assurance program must include standards for each
18 specific component of these services. The department shall
19 establish minimum thresholds for each component. Each program
20 operated pursuant to contract must be evaluated annually by
21 the department or by an objective competent entity designated
22 by the department under the provisions of the quality
23 assurance program. The evaluation must be financed from cost
24 savings associated with the privatization of services. The
25 department shall submit an annual report regarding quality
26 performance, outcome measure attainment, and cost efficiency
27 to the President of the Senate, the Speaker of the House of
28 Representatives, the Minority leader of each house of the
29 Legislature, and the Governor no later than January 31 of each
30 year, beginning in 1999. The quality assurance program must be
31 financed through administrative savings generated by this act.

1 (b) The department shall establish and operate a
2 comprehensive system to measure and report annually the
3 outcomes and effectiveness of the services that have been
4 privatized. The department shall use these findings in making
5 recommendations to the Governor and the Legislature for future
6 program and funding priorities in the child support
7 enforcement system.

8 (4)(a) Any entity contracting to provide child support
9 enforcement services under this section must comply with all
10 statutory requirements and agency regulations in the provision
11 of contractual services.

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

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

19 409.2561 Public assistance payments; reimbursement of
20 obligation to department; assignment of rights; subrogation;
21 medical and health insurance information.--

22 (1) Any payment of public assistance money made to, or
23 for the benefit of, any dependent child creates an obligation
24 in an amount equal to the amount of public assistance paid. If
25 there has been a prior court order or final judgment of
26 dissolution of marriage establishing an obligation of support,
27 the obligation is limited to the amount provided by such court
28 order or decree pursuant to the applicable child support
29 guidelines in s. 61.30. The obligor shall discharge the
30 reimbursement obligation. If the obligor fails to discharge
31 the reimbursement obligation, the department may apply for a

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

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

22 409.2564 Actions for support.--

23 (1) In each case in which regular support payments are
 24 not being made as provided herein, the department shall
 25 institute, within 30 days after determination of the obligor's
 26 reasonable ability to pay, action as is necessary to secure
 27 the obligor's payment of current support and any arrearage
 28 which may have accrued under an existing order of support.
 29 The department shall notify the program attorney in the
 30 judicial circuit in which the recipient resides setting forth
 31 the facts in the case, including the obligor's address, if

1 known, and the public assistance case number. Whenever
 2 applicable, the procedures established under the provisions of
 3 chapter 88, Uniform Interstate Family Support Act ~~Uniform~~
 4 ~~Reciprocal Enforcement of Support~~, and chapter 61, Dissolution
 5 of Marriage; Support; Custody, and chapter 39, Proceedings
 6 Relating to Juveniles, may govern actions instituted under the
 7 provisions of this act, except that actions for support under
 8 chapter 39 brought pursuant to this act shall not require any
 9 additional investigation or supervision by the department.

10 (8) The director of the Title IV-D agency, or the
 11 director's designee, is authorized to subpoena financial and
 12 other information from any person necessary to establish,
 13 modify, or enforce a child support order. The agency is
 14 authorized to impose a fine for failure to comply with the
 15 subpoena.

16 (a) For the purpose of any investigation under this
 17 chapter, any designated employee may administer oaths or
 18 affirmations, subpoena witnesses and compel their attendance,
 19 take evidence and require the production of any matter which
 20 is relevant to the investigation, including the existence,
 21 description, nature, custody, condition, and location of any
 22 books, documents, or other tangible things and the identity
 23 and location of persons having knowledge of relevant facts or
 24 any other matter reasonably calculated to lead to the
 25 discovery of material evidence.

26 (b) Prior to imposition of a fine, the department
 27 shall issue a written notification of noncompliance. Failure
 28 to comply within 15 days of receipt of the written
 29 notification without good cause may result in the agency
 30 taking the following actions:

31

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

3 2. The application by the Title IV-D agency to the
4 circuit court for an order compelling compliance with the
5 subpeona. The person who is determined to be in noncompliance
6 with the subpoena shall be liable for reasonable attorney's
7 fees and costs associated with the department bringing this
8 action upon showing by the department that the person failed
9 to comply with the request without good cause.

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

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

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

23 (b) In child support obligations not subject to income
24 deduction, the Title IV-D agency shall notify the obligor of
25 his or her delinquency and of the department's intent to
26 require an additional 20 percent of the monthly obligation
27 amount to allow for collection of the delinquency unless,
28 within 20 days, the obligor:

29 1. Pays the delinquency in full; or

30 2. Files a petition with the circuit court to contest
31 the delinquency action.

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

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

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

27 Section 52. Section 409.25641, Florida Statutes, is
28 created to read:

29 409.25641 Procedures for processing interstate
30 enforcement requests.--

31

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

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

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

9 (c) Shall constitute a certification by the requesting
10 state; and

11 1. Of the amount of arrearage accrued under the order;
12 and

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

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

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

20 (a) The number of requests received;

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

23 (c) The amount of such collected support.

24 (5) The department shall have authority to adopt rules
25 to implement this section.

26 Section 53. Section 409.25645, Florida Statutes, 1996
27 Supplement, is amended to read:

28 409.25645 Administrative orders for genetic
29 testing.--The department is authorized to use ~~institute one or~~
30 ~~more pilot programs using~~ administrative orders to require
31 genetic testing in Title IV-D cases. In such cases the

1 department or an authorized agent may issue an administrative
2 order to a putative father who has not voluntarily submitted
3 to genetic testing, directing him to appear for a genetic test
4 to determine the paternity of a child, provided that the
5 department shall have no authority to issue such an order in
6 the absence of an affidavit of the child's mother stating that
7 the putative father is or may be a parent of the child. The
8 administrative order shall state:

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

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

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

15
16 A copy of the affidavit which is the basis for the issuance of
17 the administrative order shall be attached to the order. The
18 administrative order is exempt from the hearing provisions in
19 chapter 120, because the person to whom it is directed shall
20 have an opportunity to object in circuit court in the event
21 the department pursues the matter by filing a petition in
22 circuit court. The department may serve the administrative
23 order to appear for a genetic test by regular mail. In any
24 case in which more than one putative father has been
25 identified, the department may proceed under this section with
26 respect to all putative fathers. If the department receives a
27 request from another state Title IV-D agency to assist in the
28 establishment of paternity, the department may cause an
29 administrative order to appear for a genetic test to be served
30 on a putative father who resides in Florida.

31

1 Section 54. Section 409.25656, Florida Statutes, 1996
2 Supplement, is amended to read:

3 409.25656 Garnishment.--

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

28 (2) Each person who is notified under this section
29 must, within 5 days after receipt of the notice, advise the
30 executive director or his or her designee of the credits,
31 other personal property, or debts in their possession, under

1 their control, or owed by them and must advise the executive
 2 director or designee within 5 days of coming into possession
 3 or control of any subsequent credits, personal property, or
 4 debts owed during the time prescribed by the notice. Any such
 5 person coming into possession or control of such subsequent
 6 credits, personal property, or debts shall not transfer or
 7 dispose of them during the time prescribed by the notice or
 8 until the department consents to a transfer ~~owing them.~~

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

17 (4) A notice that is delivered under this section is
 18 effective at the time of delivery against all credits, other
 19 personal property, or debts of the ~~delinquent child support~~
 20 obligor which are not at the time of such notice subject to an
 21 attachment, garnishment, or execution issued through a
 22 judicial process.

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

26 (6) Any person acting in accordance with the terms of
 27 the notice or levy issued by the executive director or his or
 28 her designee is expressly discharged from any obligation or
 29 liability to the ~~delinquent~~ obligor with respect to such
 30 credits, other personal property, or debts of the ~~delinquent~~

1 obligor affected by compliance with the notice of freeze or
2 levy.

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

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

13 (c) The notice required in paragraph (a) must include
14 a brief statement that sets forth ~~in simple and nontechnical~~
15 ~~terms~~:

16 1. The provisions of this section relating to levy and
17 sale of property;

18 2. The procedures applicable to the levy under this
19 section;

20 3. The administrative and judicial appeals available
21 to the ~~delinquent~~ obligor with respect to such levy and sale,
22 and the procedures relating to such appeals; and

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

25 (8)(7) ~~An A delinquent child support~~ obligor may
26 contest the notice of intent to levy provided for under
27 subsection (7)(6) by filing an action in circuit court.
28 Alternatively, the ~~delinquent~~ obligor may file a petition
29 under the applicable provisions of chapter 120. After an
30 action has been initiated under chapter 120 to contest the
31 notice of intent to levy, an action relating to the same levy

1 may not be filed by the ~~delinquent~~ obligor in circuit court,
2 and judicial review is exclusively limited to appellate review
3 pursuant to s. 120.68. Also, after an action has been
4 initiated in circuit court, an action may not be brought under
5 chapter 120.

6 (9)~~(8)~~ An action may not be brought to contest a
7 notice of intent to levy under chapter 120 or in circuit
8 court, later than 21 days after the date of receipt of the
9 notice of intent to levy.

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

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

27 Section 55. Section 409.25657, Florida Statutes, is
28 created to read:

29 409.25657 Requirements for financial institutions.--

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

1 (a) "Financial institution" means:
2 1. A depository institution, as defined in section
3 3(c) of the Federal Deposit Insurance Act (12 U.S.C. s.
4 1813(c));
5 2. An institution-affiliated party, as defined in
6 section 3(u) of such act (12 U.S.C. s. 1813(u));
7 3. Any federal credit union or state credit union, as
8 defined in section 101 of the Federal Credit Union Act (12
9 U.S.C. s. 1752), including an institution-affiliated party of
10 such a credit union, as defined in section 206(r) of such act
11 (12 U.S.C. s. 1786(r)); and
12 4. Any benefit association, insurance company, safe
13 deposit company, money-market mutual fund, or similar entity
14 authorized to do business in the state.
15 (b) An "account" means a demand deposit account,
16 checking or negotiable withdrawal order account, savings
17 account, time deposit account, or money-market mutual fund
18 account.
19 (2) The department shall develop procedures to enter
20 into agreements with financial institutions doing business in
21 the state, to develop and operate, in coordination with such
22 financial institutions, a data match system, using automated
23 data exchanges to the maximum extent feasible, in which each
24 financial institution is required to provide for each calendar
25 quarter the name, record address, social security number or
26 other taxpayer identification number, and other identifying
27 information for each noncustodial parent who maintains an
28 account at such institution and who owes past-due support, as
29 identified by the department by name and social security
30 number or other taxpayer identification number.
31

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

5 (4) A financial institution shall not be liable to any
6 person nor shall it be required to provide notice to its
7 customers:

8 (a) For disclosure of any information as required
9 under this section; or

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

13 (c) For disclosing any information in connection with
14 a data match; or

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

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

21 (6) The Department of Revenue may adopt rules for
22 establishing the procedures for automated data matches with
23 financial institutions.

24 Section 56. Section 409.2567, Florida Statutes, 1996
25 Supplement, is amended to read:

26 409.2567 Services to individuals not otherwise
27 eligible.--All child support ~~and paternity determination~~
28 services provided by the department shall be made available on
29 behalf of all dependent children. Services shall be provided
30 upon acceptance of public assistance or upon proper
31 application filed with the department. The department shall

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

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

3 409.2574 Income deduction enforcement in Title IV-D
4 cases.--

5 (2)

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

13 Section 58. Section 409.2576, Florida Statutes, is
14 created to read:

15 409.2576 State Directory of New Hires; definitions;
16 furnishing reports and data; matches to state registry;
17 service of deduction notices; national registry; disclosure of
18 information; rulemaking authority.--

19 (1) DIRECTORY CREATED.--The State Directory of New
20 Hires is hereby created and shall be administered by the
21 Department of Revenue or its agent. The Department of Labor
22 and Employment Security will act as the agent until a date not
23 later than October 1, 1998. All employers in the state shall
24 furnish a report consistent with subsection (3) for each newly
25 hired or rehired employee unless the employee is employed by a
26 federal or state agency performing intelligence or
27 counterintelligence functions and the head of such agency has
28 determined that reporting pursuant to this section could
29 endanger the safety of the employee or compromise an ongoing
30 investigation or intelligence mission.

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

1 (a) "Employee" is defined as an individual who is an
2 employee within the meaning of chapter 24 of the Internal
3 Revenue Code of 1986.

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

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

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

15 (3) EMPLOYERS TO FURNISH REPORTS.--

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

24 (b) Upon termination of the contract with the
25 Department of Labor and Employment Security, but not later
26 than October 1, 1998, all employers shall furnish a report to
27 the State Directory of New Hires of the state in which the
28 newly hired or rehired employee works. The report required in
29 this section shall be made on a W-4 form or, at the option of
30 the employer, an equivalent form, and can be transmitted
31 magnetically, electronically, by first class mail, or other

1 methods which may be prescribed by the State Directory. Each
 2 report shall include the name, address, date of hire, and
 3 social security number of every new and rehired employee and
 4 the name, address, and federal employer identification number
 5 of the reporting employer. If available, the employer may
 6 also include the employee's date of birth in the report.
 7 Multistate employers that report new hire information
 8 electronically or magnetically may designate a single state to
 9 which it will transmit the above noted report, provided the
 10 employer has employees in that state and the employer notifies
 11 the Secretary of Health and Human Services in writing to which
 12 state the information will be provided. Agencies of the
 13 United States Government shall report directly to the National
 14 Directory of New Hires.

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

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

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

31

1 (6) MATCHES TO STATE REGISTRY.--Not later than May 1,
2 1998, the Department of Revenue or its agent must conduct
3 automated matches of the social security numbers of employees
4 reported to the State Directory of New Hires against the
5 social security numbers of records in the State Case Registry.
6 The Title IV-D agency shall use the new hire information
7 received to locate individuals for the purposes of
8 establishing paternity and establishing, modifying, and
9 enforcing support obligations. Private entities under
10 contract with the Title IV-D agency to provide Title IV-D
11 services may have access to information obtained from the
12 State Directory of New Hires and must comply with privacy
13 safeguards.

14 (7) WAGE WITHHOLDING NOTICE.--Not later than October
15 1, 1998, the Title IV-D agency shall transmit a wage
16 withholding notice consistent with s. 61.1301 to the
17 employee's employer within 2 business days of entry of the new
18 hire information into the State Directory of New Hires'
19 database, unless the court has determined that the employee's
20 wages are not subject to withholding. The withholding notice
21 shall direct the employer to withhold income in accordance
22 with the income deduction order.

23 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.--Not
24 later than October 1, 1997, the State Directory of New Hires
25 must furnish information regarding newly hired or rehired
26 employees to the National Directory of New Hires for matching
27 with the records of other state case registries within 3
28 business days of entering such information from the employer
29 into the State Directory of New Hires. The State Directory of
30 New Hires shall enter into an agreement with the Florida
31 Department of Labor and Employment Security for the quarterly

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

11 (9) DISCLOSURE OF INFORMATION.--

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

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

17 2. The Medicaid program under Title XIX of the Social
18 Security Act;

19 3. The unemployment compensation program under section
20 3304 of the Internal Revenue Code of 1954;

21 4. The food stamp program under the Food Stamp Act of
22 1977; and

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

29 (b) New hire information shall be disclosed to the
30 state agencies operating employment security and workers'
31

1 compensation programs for the purposes of administering such
2 programs.

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

6 Section 59. Effective October 1, 1997, section
7 409.2577, Florida Statutes, 1996 Supplement, is amended to
8 read:

9 409.2577 Parent locator service.--The department shall
10 establish a parent locator service to assist in locating
11 parents who have deserted their children and other persons
12 liable for support of dependent children. The department
13 shall use all sources of information available, including the
14 Federal Parent Locator Service, and may request and shall
15 receive information from the records of any person or the
16 state or any of its political subdivisions or any officer
17 thereof. Any agency as defined in s. 120.52, any political
18 subdivision, and any other person shall, upon request, provide
19 the department any information relating to location, salary,
20 insurance, social security, income tax, and employment history
21 necessary to locate parents who owe or potentially owe a duty
22 of support pursuant to Title IV-D of the Social Security Act.
23 This provision shall expressly take precedence over any other
24 statutory nondisclosure provision which limits the ability of
25 an agency to disclose such information, except that law
26 enforcement information as provided in s. 119.07(3)(i) is not
27 required to be disclosed, and except that confidential
28 taxpayer information possessed by the Department of Revenue
29 shall be disclosed only to the extent authorized in s.
30 213.053(15). Nothing in this subsection requires the
31 disclosure of information if such disclosure is prohibited by

1 federal law. Information gathered or used by the parent
 2 locator service is confidential and exempt from the provisions
 3 of s. 119.07(1). Additionally, the department is authorized to
 4 collect any additional information directly bearing on the
 5 identity and whereabouts of a person owing or asserted to be
 6 owing an obligation of support for a dependent child.
 7 Information gathered or used by the parent locator service is
 8 confidential and exempt from the provisions of s. 119.07(1).
 9 The department may make such information available only to
 10 public officials and agencies of this state; political
 11 subdivisions of this state; the custodial parent, legal
 12 guardian, attorney, or agent of the child; and other states
 13 seeking to locate parents who have deserted their children and
 14 other persons liable for support of dependents, for the sole
 15 purpose of establishing, modifying, or enforcing their
 16 liability for support. If the department has reasonable
 17 evidence of domestic violence or child abuse and the
 18 disclosure of information could be harmful to the custodial
 19 parent or the child of such parent, the child support program
 20 director or designee shall notify the Secretary of the U.S.
 21 Department of Health and Human Services of this evidence. Such
 22 evidence is sufficient grounds for the department to
 23 disapprove an application for location services.

24 Section 60. Section 409.2578, Florida Statutes, is
 25 created to read:

26 409.2578 Access to employment information;
 27 administrative fine.--

28 (1) For the purpose of establishing paternity or
 29 establishing or enforcing a child support obligation, all
 30 persons in this state, including for-profit, not-for-profit,
 31 and governmental employers or contractors, shall, upon written

1 request from the IV-D agency for information concerning an
 2 individual employee of such person, provide to the IV-D agency
 3 of this state or its designee or to the Title IV-D agency of
 4 any other state or its designee information on the employment,
 5 compensation, and benefits of any employee who has a liability
 6 to pay child support and is delinquent or who has a potential
 7 liability. The IV-D Agency may also make such a request for
 8 the purpose of modifying a child support obligation after an
 9 unsuccessful attempt to obtain the information from either
 10 party. The information requested shall be provided within 30
 11 days of receipt of the written request. The Title IV-D agency
 12 of this state is authorized to impose a fine for failure to
 13 respond to its request.

14 (2) Prior to imposition of a fine, the department
 15 shall issue a written notification of noncompliance. Failure
 16 to comply with the request within 15 days of receipt of the
 17 written notification without good cause may result in the
 18 agency taking the 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 court compelling
 23 compliance. The person who is determined to be in
 24 noncompliance with the request shall be liable for reasonable
 25 attorney's fees and costs associated with the department
 26 bringing this action upon showing by the department that the
 27 person failed to comply with the request without good cause.

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

31

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

3 Section 61. Effective October 1, 1997, section
4 409.2579, Florida Statutes, 1996 Supplement, is amended to
5 read:

6 409.2579 Safeguarding Title IV-D case file
7 information.--

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

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

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

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

26 (d) Reporting to an appropriate agency or official,
27 information on known or suspected instances of physical or
28 mental injury, child abuse, sexual abuse or exploitation, or
29 negligent treatment or maltreatment of a child who is the
30 subject of a child support enforcement activity under

31

1 circumstances which indicate that the child's health or
2 welfare is threatened thereby.

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

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

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

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

20 ~~(6)(3)~~ Any person who willfully and knowingly violates
21 any of the provisions of this section is guilty of a
22 misdemeanor of the first degree punishable as provided in s.
23 775.082 or s. 775.083.

24 Section 62. Section 409.2598, Florida Statutes, 1996
25 Supplement, is amended to read:

26 409.2598 Suspension or denial of new or renewal
27 licenses; registrations; certifications.--

28 (1) The Title IV-D agency may petition the court that
29 entered the support order or the court that is enforcing the
30 support order to deny or suspend the license, registration, or
31 certificate issued under chapter 231, chapter 370, chapter

1 372, chapter 409, chapter 455, or chapter 559 or s. 327.031 of
 2 any obligor with a delinquent child support obligation or who
 3 fails, after receiving appropriate notice, to comply with
 4 subpoenas, orders to appear, orders to show cause, or similar
 5 orders relating to paternity or child support proceedings.

6 However, a petition may not be filed until the Title IV-D
 7 agency has exhausted all other available remedies. The purpose
 8 of this section is to promote the public policy of the state
 9 as established in s. 409.2551.

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

27 (3) The Title IV-D agency shall give notice to any
 28 obligor who is an applicant for a new or renewal license or
 29 certificate or the holder of a current license or certificate
 30 when a delinquency exists in the support obligation or when an
 31 obligor has failed to comply with a subpoena, order to appear,

1 order to show cause, or similar order relating to paternity or
2 child support proceeding. The notice shall specify that the
3 obligor has 30 days from the date on which service of the
4 notice is complete to pay the delinquency or to reach an
5 agreement to pay the delinquency with the Title IV-D agency or
6 comply with the subpoena, order to appear, order to show
7 cause, or similar order. The notice shall specify that, if
8 payment is not made or an agreement cannot be reached, or if
9 the subpoena, order to appear, order to show cause, or similar
10 order is not complied with, the application may be denied or
11 the license or certification may be suspended pursuant to a
12 court order.

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

1 exhausted all other available remedies. The court may find
2 that it would be inappropriate to deny a license or suspend a
3 license or certificate if:

4 (a) Denial or suspension would result in irreparable
5 harm to the obligor or employees of the obligor or would not
6 accomplish the objective of collecting the delinquency; or

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

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

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

1 to the court that the obligor has complied with the terms of
2 the court order, subpoena, order to appear, order to show
3 cause, or similar order. Proof of payment shall consist of a
4 certified copy of the payment record issued by the depository.
5 The court shall order the appropriate department or license
6 board to issue or reinstate the license or certificate without
7 additional charge to the obligor.

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

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

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

30 414.028 Local WAGES coalitions.--The WAGES Program
31 State Board of Directors shall create and charter local WAGES

1 coalitions to plan and coordinate the delivery of services
 2 under the WAGES Program at the local level. The boundaries of
 3 the service area for a local WAGES coalition shall conform to
 4 the boundaries of the service area for the jobs and education
 5 regional board established under the Enterprise Florida Jobs
 6 and Education Partnership. The local delivery of services
 7 under the WAGES Program shall be coordinated, to the maximum
 8 extent possible, with the local services and activities of the
 9 local service providers designated by the regional workforce
 10 development boards.

11 (5) The WAGES Program State Board of Directors may not
 12 approve the program and financial plan of a local coalition
 13 unless the plan provides a teen pregnancy prevention component
 14 that includes, but is not necessarily limited to, a plan for
 15 implementing the Florida Education Now and Babies Later
 16 (ENABL) program under s. 411.242 and the Teen Pregnancy
 17 Prevention Community Initiative within each segment of the
 18 service area in which the childhood birth rate is higher than
 19 the state average. Each local WAGES coalition is authorized to
 20 fund community-based welfare prevention and reduction
 21 initiatives that increase the support provided by noncustodial
 22 parents to their welfare-dependent children and are consistent
 23 with program and financial guidelines developed by the WAGES
 24 Program State Board of Directors and the Commission on
 25 Responsible Fatherhood. These initiatives may include, but are
 26 not limited to, improved paternity establishment, work
 27 activities for noncustodial parents, and programs aimed at
 28 decreasing out-of-wedlock pregnancies, encouraging the
 29 involvement of fathers with their children, and increasing
 30 child-support payments.

31

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

3 443.171 Division and commission; powers and duties;
4 rules; advisory council; records and reports.--

5 (7) RECORDS AND REPORTS.--Each employing unit shall
6 keep true and accurate work records, containing such
7 information as the division may prescribe. Such records shall
8 be open to inspection and be subject to being copied by the
9 division at any reasonable time and as often as may be
10 necessary. The division or an appeals referee may require from
11 any employing unit any sworn or unsworn reports, with respect
12 to persons employed by it, deemed necessary for the effective
13 administration of this chapter. However, a state or local
14 governmental agency performing intelligence or
15 counter-intelligence functions need not report an employee if
16 the head of such agency has determined that reporting the
17 employee could endanger the safety of the employee or
18 compromise an ongoing investigation or intelligence mission.

19 Information revealing the employing unit's or individual's
20 identity thus obtained from the employing unit or from any
21 individual pursuant to the administration of this chapter,
22 shall, except to the extent necessary for the proper
23 presentation of a claim or upon written authorization of the
24 claimant who has a workers' compensation claim pending, be
25 held confidential and exempt from the provisions of s.
26 119.07(1). Such information shall be available only to public
27 employees in the performance of their public duties, including
28 employees of the Department of Education in obtaining
29 information for the Florida Education and Training Placement
30 Information Program and the Department of Commerce in its
31 administration of the qualified defense contractor tax refund

1 program authorized by s. 288.104, the qualified target
 2 industry business tax refund program authorized by s. 288.106.
 3 Any claimant, or his legal representative, at a hearing before
 4 an appeals referee or the commission shall be supplied with
 5 information from such records to the extent necessary for the
 6 proper presentation of his claim. Any employee or member of
 7 the commission or any employee of the division, or any other
 8 person receiving confidential information, who violates any
 9 provision of this subsection is guilty of a misdemeanor of the
 10 second degree, punishable as provided in s. 775.082 or s.
 11 775.083. However, the division may furnish to any employer
 12 copies of any report previously submitted by such employer,
 13 upon the request of such employer, and the division is
 14 authorized to charge therefor such reasonable fee as the
 15 division may by rule prescribe not to exceed the actual
 16 reasonable cost of the preparation of such copies. Fees
 17 received by the division for copies provided under this
 18 subsection shall be deposited to the credit of the Employment
 19 Security Administration Trust Fund.

20 Section 65. Subsection (2) of section 443.1715,
 21 Florida Statutes, 1996 Supplement, is amended to read:

22 443.1715 Disclosure of information; confidentiality.--

23 (2) DISCLOSURE OF INFORMATION.--Subject to such
 24 restrictions as the division prescribes by rule, information
 25 declared confidential under this section may be made available
 26 to any agency of this or any other state, or any federal
 27 agency, charged with the administration of any unemployment
 28 compensation law or the maintenance of a system of public
 29 employment offices, or the Bureau of Internal Revenue of the
 30 United States Department of the Treasury, or the Florida
 31 Department of Revenue and information obtained in connection

1 with the administration of the employment service may be made
2 available to persons or agencies for purposes appropriate to
3 the operation of a public employment service or a
4 job-preparatory or career education or training program. The
5 division shall on a quarterly basis, furnish the National
6 Directory of New Hires with extracts of the reports required
7 under section 303(a)(6) of the Social Security Act (42 U.S.C.
8 s. 503) to be made to the Secretary of Labor concerning the
9 wages and unemployment compensation paid to individuals, by
10 such dates, in such format and containing such information as
11 the Secretary of Health and Human Services shall specify in
12 regulations. Upon request therefor, the division shall furnish
13 any agency of the United States charged with the
14 administration of public works or assistance through public
15 employment, and may furnish to any state agency similarly
16 charged, the name, address, ordinary occupation, and
17 employment status of each recipient of benefits and such
18 recipient's rights to further benefits under this chapter.
19 Except as otherwise provided by law, the receiving agency must
20 retain the confidentiality of such information as provided in
21 this section. The division may request the Comptroller of the
22 Currency of the United States to cause an examination of the
23 correctness of any return or report of any national banking
24 association rendered pursuant to the provisions of this
25 chapter and may in connection with such request transmit any
26 such report or return to the Comptroller of the Currency of
27 the United States as provided in s. 3305(c) of the federal
28 Internal Revenue Code.

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

1 455.213 General licensing provisions.--

2 (1) Any person desiring to be licensed shall apply to
3 the department in writing to take the appropriate examination.
4 The application shall be made on a form prepared and furnished
5 by the department and include the applicant's social security
6 number. The application shall be supplemented as needed to
7 reflect any material change in any circumstance or condition
8 stated in the application which takes place between the
9 initial filing of the application and the final grant or
10 denial of the license and which might affect the decision of
11 the agency.

12 (9) 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 67. Subsection (1) of section 455.2141,
20 Florida Statutes, 1996 Supplement, is amended and subsection
21 (7) is added to said section, to read:

22 455.2141 Agency for Health Care Administration;
23 general licensing provisions.--

24 (1) Any person desiring to be licensed in a profession
25 within the jurisdiction of the Agency for Health Care
26 Administration shall apply to the agency in writing to take
27 the licensure examination. The application shall be made on a
28 form prepared and furnished by the agency and shall require
29 the social security number of the applicant. ~~The form~~ and
30 shall be supplemented as needed to reflect any material change
31 in any circumstance or condition stated in the application

1 which takes place between the initial filing of the
2 application and the final grant or denial of the license and
3 which might affect the decision of the agency.

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

11 Section 68. Subsection (1) of section 548.021, Florida
12 Statutes, is amended and subsection (4) is added to said
13 section, to read:

14 548.021 Applications for licenses and permits.--An
15 application for a license or a permit must:

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

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

25 Section 69. Paragraph (a) of subsection (2) of section
26 626.171, Florida Statutes, is amended and subsection (7) is
27 added to said section, to read:

28 626.171 Application for license.--

29 (2) In the application, the applicant shall set forth:
30
31

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

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

11 Section 70. Section 741.04, Florida Statutes, is
12 amended to read:

13 741.04 Marriage license issued.--No county court judge
14 or clerk of the circuit court in this state shall issue a
15 license for the marriage of any person unless there shall be
16 first presented and filed with him an affidavit in writing,
17 signed by both parties to the marriage, providing the social
18 security numbers of each party,made and subscribed before
19 some person authorized by law to administer an oath, reciting
20 the true and correct ages of such parties; unless both such
21 parties shall be over the age of 18 years, except as provided
22 in s. 741.0405; and unless one party is a male and the other
23 party is a female. Pursuant to the federal Personal
24 Responsibility and Work Opportunity Reconciliation Act of
25 1996, each party is required to provide his or her social
26 security number in accordance with this section. Disclosure
27 of social security numbers obtained through this requirement
28 shall be limited to the purpose of administration of the Title
29 IV-D program for child support enforcement.

30 Section 71. Section 742.031, Florida Statutes, is
31 amended to read:

1 742.031 Hearings; court orders for support, hospital
 2 expenses, and attorney's fee.--
 3 (1) Hearings for the purpose of establishing or
 4 refuting the allegations of the complaint and answer shall be
 5 held in the chambers and may be restricted to persons, in
 6 addition to the parties involved and their counsel, as the
 7 judge in his discretion may direct. The court shall determine
 8 the issues of paternity of the child and the ability of the
 9 parents to support the child. Each party's social security
 10 number shall be recorded in the file containing the
 11 adjudication of paternity.If the court finds that the alleged
 12 father is the father of the child, it shall so order. If
 13 appropriate, the court shall order the father to pay the
 14 complainant, her guardian, or any other person assuming
 15 responsibility for the child moneys sufficient to pay
 16 reasonable attorney's fees, hospital or medical expenses, cost
 17 of confinement, and any other expenses incident to the birth
 18 of the child and to pay all costs of the proceeding. Bills
 19 for pregnancy, childbirth, and scientific testing are
 20 admissible as evidence without requiring third-party
 21 foundation testimony, and shall constitute prima facie
 22 evidence of amounts incurred for such services or for testing
 23 on behalf of the child. The court shall order either or both
 24 parents owing a duty of support to the child to pay support
 25 pursuant to s. 61.30. The court shall issue, upon motion by a
 26 party, a temporary order requiring the provision of child
 27 support pursuant to s. 61.30 pending an administrative or
 28 judicial determination of parentage, if there is clear and
 29 convincing evidence of paternity on the basis of genetic tests
 30 or other evidence. The court may also make a determination as
 31

1 to the parental responsibility and residential care and custody
2 of the minor children in accordance with chapter 61.

3 (2) If a judgment of paternity contains no explicit
4 award of custody, the establishment of a support obligation or
5 of visitation rights in one parent shall be considered a
6 judgment granting primary residential care and custody to the
7 other parent without prejudice. If a paternity judgment
8 contains no such provisions, custody shall be presumed to be
9 with the mother.

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

17 Section 72. Section 742.032, Florida Statutes, is
18 created to read:

19 742.032 Filing of location information.--

20 (1) Beginning July 1, 1997, each party to any
21 paternity or child support proceeding must file with the
22 tribunal, as defined in chapter 88 and State Case Registry as
23 defined in chapter 61 upon entry of an order, and update as
24 appropriate, information on location and identity of the
25 party, including Social Security number, residential and
26 mailing addresses, telephone number, driver's license number,
27 and name, address, and telephone number of employer.
28 Beginning October 1, 1998, each party to any paternity or
29 child support proceeding in a non-Title IV-D case shall meet
30 the above requirements for updating the tribunal and State
31 Case Registry.

1 (2) Beginning July 1, 1997, in any subsequent Title
2 IV-D child support enforcement action between the parties,
3 upon sufficient showing that diligent effort has been made to
4 ascertain the location of such a party, the tribunal may deem
5 state due process requirements for notice and service of
6 process to be met with respect to the party upon delivery of
7 written notice to the most recent residential or employer
8 address filed with the tribunal and State Case Registry under
9 subsection (1). Beginning October 1, 1998, in any subsequent
10 non-Title IV-D child support enforcement action between the
11 parties, the same requirements for service shall apply.

12 (3) 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 73. Section 742.10, Florida Statutes, is
20 amended to read:

21 742.10 Establishment of paternity for children born
22 out of wedlock.--

23 (1) This chapter provides the primary jurisdiction and
24 procedures for the determination of paternity for children
25 born out of wedlock. When the establishment of paternity has
26 been raised and determined within an adjudicatory hearing
27 brought under the statutes governing inheritance, dependency
28 under workers' compensation or similar compensation programs,
29 or vital statistics, or when an affidavit acknowledging
30 paternity or a stipulation of paternity is executed by both
31 parties and filed with the clerk of the court, or when a

1 consenting affidavit as provided for in s. 382.013(6)(b) is
2 executed by both parties, it shall constitute the
3 establishment of paternity for purposes of this chapter. If no
4 adjudicatory proceeding was held, a voluntary acknowledgment
5 of paternity shall create a rebuttable presumption, as defined
6 by s. 90.304, of paternity and is subject to the right of any
7 signatory to rescind the acknowledgment within 60 days of the
8 date the acknowledgment was signed or the date of an
9 administrative or judicial proceeding relating to the child,
10 including a proceeding to establish a support order, in which
11 the signatory is a party, whichever is earlier. Both parents
12 are required to provide their social security numbers on any
13 acknowledgment of paternity, consent affidavit, or stipulation
14 of paternity. The Bureau of Vital Statistics shall provide
15 certified copies of consenting affidavits to the Title IV-D
16 agency upon request.

17 (2) 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 ~~(3)~~(2) The department shall adopt rules which
25 establish the information which must be provided to an
26 individual prior to execution of a consenting affidavit or
27 voluntary acknowledgment of paternity. The information shall
28 explain the alternatives to, the legal consequences of, and
29 the rights, including, if one parent is a minor, any rights
30 afforded due to minority status, and responsibilities that
31 arise from ~~of~~ acknowledging paternity.

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

10 (5) Judicial or administrative proceedings are not
11 required or permitted to ratify an unchallenged acknowledgment
12 of paternity.

13 Section 74. Section 742.105, Florida Statutes, is
14 amended to read:

15 742.105 Effect of a determination of paternity from a
16 foreign jurisdiction.--A final order of paternity entered in a
17 foreign jurisdiction, whether resulting from a voluntary
18 acknowledgment or an administrative or judicial process, or an
19 affidavit acknowledging paternity signed in any other state
20 according to its procedures, shall be given the same legal
21 effect as if such final order was entered or affidavit was
22 signed pursuant to this chapter. In any proceeding in this
23 state, a certified copy of the final order of paternity from a
24 foreign jurisdiction shall be conclusive evidence of
25 paternity.

26 Section 75. Section 742.12, Florida Statutes, is
27 amended to read:

28 742.12 Scientific testing to determine paternity.--

29 (1) In any proceeding to establish paternity, the
30 court on its own motion may ~~or upon request of a party shall~~
31 require the child, mother, and alleged fathers to submit to

1 ~~Human Leukocyte Antigen tests or other~~ scientific tests that
 2 are generally acceptable within the scientific community to
 3 show a probability of paternity. The court shall direct that
 4 the tests be conducted by a qualified technical laboratory.

5 (2) In any proceeding to establish paternity, the
 6 court may, upon request of a party providing a sworn statement
 7 alleging paternity and setting forth facts establishing a
 8 reasonable possibility of the requisite sexual contact between
 9 the parties or providing a sworn statement denying paternity
 10 and setting forth facts establishing a reasonable possibility
 11 of the nonexistence of sexual contact between the parties,
 12 require the child, mother, and alleged fathers to submit to
 13 scientific tests that are generally acceptable within the
 14 scientific community to show a probability of paternity. The
 15 court shall direct that the tests be conducted by a qualified
 16 technical laboratory.

17 ~~(3)~~⁽²⁾ The test results, together with the opinions
 18 and conclusions of the test laboratory, shall be filed with
 19 the court. Any objection to the test results must be made in
 20 writing and must be filed with the court at least 10 days
 21 prior to the hearing. If no objection is filed, the test
 22 results shall be admitted into evidence without the need for
 23 predicate to be laid or third-party foundation testimony to be
 24 presented. Nothing in this paragraph prohibits a party from
 25 calling an outside expert witness to refute or support the
 26 testing procedure or results, or the mathematical theory on
 27 which they are based. Upon the entry of the order for
 28 scientific testing, the court must inform each person to be
 29 tested of the procedure and requirements for objecting to the
 30 test results and of the consequences of the failure to object.

31

1 (4)~~(3)~~ Test results are admissible in evidence and
 2 should be weighed along with other evidence of the paternity
 3 of the alleged father unless the statistical probability of
 4 paternity equals or exceeds 95 percent. A statistical
 5 probability of paternity of 95 percent or more creates a
 6 rebuttable presumption, as defined by s. 90.304, that the
 7 alleged father is the biological father of the child. If a
 8 party fails to rebut the presumption of paternity which arose
 9 from the statistical probability of paternity of 95 percent or
 10 more, the court may enter a summary judgment of paternity. If
 11 the test results show the alleged father cannot be the
 12 biological father, the case shall be dismissed with prejudice.

13 (5)~~(4)~~ Subject to the limitations in subsection (3)
 14 ~~(2)~~, if the test results or the expert analysis of the
 15 inherited characteristics is disputed, the court, upon
 16 reasonable request of a party, shall order that an additional
 17 test be made by the same laboratory or an independent
 18 laboratory at the expense of the party requesting additional
 19 testing.

20 (6)~~(5)~~ Verified documentation of the chain of custody
 21 of the blood or other specimens is competent evidence to
 22 establish the chain of custody.

23 (7)~~(6)~~ The fees and costs for ~~Human Leukocyte Antigen~~
 24 ~~tests or other~~ scientific tests shall be paid by the parties
 25 in proportions and at times determined by the court unless the
 26 parties reach a stipulated agreement which is adopted by the
 27 court.

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

30 744.301 Natural guardians.--

31

1 (1) The mother and father jointly are natural
2 guardians of their own children and of their adopted children,
3 during minority. If one parent dies, the natural guardianship
4 shall pass to the surviving parent, and the right shall
5 continue even though the surviving parent remarries. If the
6 marriage between the parents is dissolved, the natural
7 guardianship shall belong to the parent to whom the custody of
8 the child is awarded. If the parents are given joint custody,
9 then both shall continue as natural guardians. If the
10 marriage is dissolved and neither the father nor the mother is
11 given custody of the child, neither shall act as natural
12 guardian of the child. The mother of a child born out of
13 wedlock is the natural guardian of the child and is entitled
14 to primary residential care and custody of the child unless a
15 court of competent jurisdiction enters an order stating
16 otherwise.

17 Section 77. Section 943.053, Florida Statutes, 1996
18 Supplement, is amended to read:

19 943.053 Dissemination of criminal justice information;
20 fees.--

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

24 (2) Criminal justice information derived from federal
25 criminal justice information systems or criminal justice
26 information systems of other states shall not be disseminated
27 in a manner inconsistent with the laws, regulations, or rules
28 of the originating agency.

29 (3) Criminal history information, including
30 information relating to juveniles, compiled by the Division of
31 Criminal Justice Information Systems from intrastate sources

1 shall be available on a priority basis to criminal justice
 2 agencies for criminal justice purposes free of charge and,
 3 otherwise, to governmental agencies not qualified as criminal
 4 justice agencies on an approximate-cost basis. After
 5 providing the division with all known identifying information,
 6 persons in the private sector may be provided criminal history
 7 information upon tender of fees as established by rule of the
 8 Department of Law Enforcement. Such fees shall approximate
 9 the actual cost of producing the record information. Fees may
 10 be waived by the executive director of the Department of Law
 11 Enforcement for good cause shown.

12 (4) Criminal justice information provided by the
 13 Department of Law Enforcement shall be used only for the
 14 purpose stated in the request.

15 (5) Notwithstanding any other provision of law, the
 16 department shall provide to the Florida Department of Revenue
 17 Child Support Enforcement access to Florida criminal records
 18 which are not exempt from disclosure under chapter 119, and to
 19 such information as may be lawfully available from other
 20 states via the National Law Enforcement Telecommunications
 21 System, for the purpose of locating subjects who owe or
 22 potentially owe child support or to whom such obligation is
 23 owed pursuant to Title IV-D of the Social Security Act. Such
 24 information may be provided to child support enforcement
 25 authorities in other states for these specific purposes.

26 ~~(6)(5)~~ Notwithstanding the provisions of s. 943.0525,
 27 and any user agreements adopted pursuant thereto, and
 28 notwithstanding the confidentiality of sealed records as
 29 provided for in s. 943.059, the sheriff of any county that has
 30 contracted with a private entity to operate a county detention
 31 facility pursuant to the provisions of s. 951.062 shall

1 provide that private entity, in a timely manner, copies of the
 2 Florida criminal history records for its inmates. The sheriff
 3 may assess a charge for the Florida criminal history records
 4 pursuant to the provisions of chapter 119. Sealed records
 5 received by the private entity under this section remain
 6 confidential and exempt from the provisions of s. 119.07(1).

7 ~~(7)(6)~~ Notwithstanding the provisions of s. 943.0525,
 8 and any user agreements adopted pursuant thereto, and
 9 notwithstanding the confidentiality of sealed records as
 10 provided for in s. 943.059, the Department of Corrections
 11 shall provide, in a timely manner, copies of the Florida
 12 criminal history records for inmates housed in a private state
 13 correctional facility to the private entity under contract to
 14 operate the facility pursuant to the provisions of s. 944.105
 15 or s. 957.03. The department may assess a charge for the
 16 Florida criminal history records pursuant to the provisions of
 17 chapter 119. Sealed records received by the private entity
 18 under this section remain confidential and exempt from the
 19 provisions of s. 119.07(1).

20 Section 78. To expedite the acquisition of goods and
 21 services for implementing the provisions of this act, the
 22 Department of Revenue is exempt from the provisions of chapter
 23 287, Florida Statutes, when contracting for the purchase or
 24 lease of goods or services pursuant to this act. This section
 25 shall take effect upon this act becoming a law and shall
 26 expire July 1, 1998.

27 Section 79. To expedite the leasing of facilities for
 28 implementing the provisions of this act, the Department of
 29 Revenue is exempt from the requirements of any state law
 30 relating to the leasing of space including, but not limited
 31 to, the requirements imposed by s. 255.25, Florida Statutes,

1 and any rules adopted pursuant thereto; provided, however, all
2 leases entered into by the Department of Revenue through the
3 1997-1998 fiscal year shall be submitted for approval by the
4 Department of Management Services at the earliest practicable
5 time. This section shall take effect upon this act becoming a
6 law and shall expire July 1, 1998.

7 Section 80. (1) On or before September 1, 1997, the
8 Department of Revenue shall develop a draft request for
9 proposal for a state disbursement unit and a draft request for
10 proposal for a state case registry. The draft requests
11 developed by the Department of Revenue must include a
12 requirement that the vendor must consult with each depository
13 established pursuant to s. 61.181, Florida Statutes, and a
14 requirement that the vendor must develop a standard contract
15 which must be offered to each depository. Before October 1,
16 1997, the Department of Revenue must request approval of the
17 draft requests for proposal from the United States Department
18 of Health and Human Services and any waivers necessary to
19 implement them.

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

24 (a) Each draft request for proposal, and
25 (b) The status of approval of each draft request for
26 proposal, including authorization for any waivers necessary to
27 implement the draft request for proposal, from the United
28 States Department of Health and Human Services.

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

31

1 Section 81. Effective October 1, 1997, section
2 443.175, Florida Statutes, as created by chapter 94-318, Laws
3 of Florida, is repealed.

4 Section 82. The Department of Revenue is to develop
5 baseline data concerning the following, and is to report this
6 data to the President of the Senate and the Speaker of the
7 House of Representatives, on or before January 1, 1998:

8 (1) Effectiveness of child support enforcement
9 program:

10 (a) Average percent of all child support obligations
11 collected;

12 (b) For pre-1997 Cases:

13 1. Number of unobligated cases aged by year;

14 2. Percent of collections of newly obligated pre-1997
15 cases;

16 (c) Percent of children with paternity established;
17 and

18 (d) Percent of children with court order for support.

19 (2) Timeliness of Enforcement Actions:

20 (a) Average time to establish paternity and support
21 for cases requiring establishment of both paternity and
22 support;

23 (b) Average time to establish support for cases
24 requiring the establishment of support only; and

25 (c) Average time from delinquency to initial payment
26 towards delinquency:

27 1. Average time from delinquency to commencement of
28 enforcement; and

29 2. Average time from commencement of enforcement to
30 initial payment towards delinquency.

31 (3) Efficiency of Enforcement Actions:

1 (a) Ratio of AFDC collections to CSE's total
2 administrative costs; and

3 (b) Ratio of non-AFDC collections to CSE's total
4 administrative costs.

5 Section 83. In recognition of his untiring efforts to
6 ensure that children receive the support they deserve and in
7 recognition of his untimely death in that effort, this act
8 shall be known as the "Barry A. Gladden Memorial Child Support
9 Enforcement Act."

10 Section 84. Except as otherwise expressly provided in
11 this act, this act shall take effect July 1, 1997.