

1  
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 servicing 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.

31

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.

30  
31

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 (a) of subsection (3) of section  
9 402.308, Florida Statutes, is amended to read:

10 402.308 Issuance of license.--

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

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

25 Section 45. The introductory paragraph of section  
26 409.2554, Florida Statutes, 1996 Supplement, is amended to  
27 read:

28 409.2554 Definitions.--As used in ss.

29 409.2551-409.2598 ~~409.2551-409.2597~~, the term:

30 Section 46. Section 409.25575, Florida Statutes, is  
31 created to read:

1           409.25575 Child support enforcement; privatization.--

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

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

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

30           (b) The department shall establish and operate a  
31 comprehensive system to measure and report annually the

1 outcomes and effectiveness of the services that have been  
2 privatized. The department shall use these findings in making  
3 recommendations to the Governor and the Legislature for future  
4 program and funding priorities in the child support  
5 enforcement system.

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

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

15 Section 47. Subsection (1) of section 409.2561,  
16 Florida Statutes, 1996 Supplement, is amended to read:

17 409.2561 Public assistance payments; reimbursement of  
18 obligation to department; assignment of rights; subrogation;  
19 medical and health insurance information.--

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

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

16 Section 48. Effective October 1, 1997, subsection (1)  
17 of section 409.2564, Florida Statutes, 1996 Supplement, is  
18 amended and subsections (8), (9), (10), (11), (12), and (13)  
19 are added to said section, to read:

20 409.2564 Actions for support.--

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

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

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

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

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

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

31

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

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

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

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

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

27           1. Pays the delinquency in full; or  
28           2. Files a petition with the circuit court to contest  
29 the delinquency action.

30           (11) For the purposes of denial, revocation, or  
31 limitation of an individual's United States Passport,

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

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

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

25 Section 49. Section 409.25641, Florida Statutes, is  
26 created to read:

27 409.25641 Procedures for processing interstate  
28 enforcement requests.--

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

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

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

6           (c) Shall constitute a certification by the requesting  
7 state; and

8           1. Of the amount of arrearage accrued under the order;  
9 and

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

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

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

17           (a) The number of requests received;

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

20           (c) The amount of such collected support.

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

23           Section 50. Section 409.25645, Florida Statutes, 1996  
24 Supplement, is amended to read:

25           409.25645 Administrative orders for genetic  
26 testing.--The department is authorized to use ~~institute one or~~  
27 ~~more pilot programs using~~ administrative orders to require  
28 genetic testing in Title IV-D cases. In such cases the  
29 department or an authorized agent may issue an administrative  
30 order to a putative father who has not voluntarily submitted  
31 to genetic testing, directing him to appear for a genetic test

1 to determine the paternity of a child, provided that the  
2 department shall have no authority to issue such an order in  
3 the absence of an affidavit of the child's mother stating that  
4 the putative father is or may be a parent of the child. The  
5 administrative order shall state:

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

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

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

12

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

28 Section 51. Section 409.25656, Florida Statutes, 1996  
29 Supplement, is amended to read:

30 409.25656 Garnishment.--

31

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

25           (2) Each person who is notified under this section  
26 must, within 5 days after receipt of the notice, advise the  
27 executive director or his or her designee of the credits,  
28 other personal property, or debts in their possession, under  
29 their control, or owed by them and must advise the executive  
30 director or designee within 5 days of coming into possession  
31 or control of any subsequent credits, personal property, or

1 debts owed during the time prescribed by the notice. Any such  
2 person coming into possession or control of such subsequent  
3 credits, personal property, or debts shall not transfer or  
4 dispose of them during the time prescribed by the notice or  
5 until the department consents to a transfer ~~owing them.~~

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

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

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

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

30 (7)(6)(a) Levy may be made under subsection (3) upon  
31 credits, other personal property, or debt of any person with

1 respect to any past-due or over-due ~~delinquent~~ child support  
2 obligation only after the executive director or his or her  
3 designee has notified such person in writing of the intention  
4 to make such levy.

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

9 (c) The notice required in paragraph (a) must include  
10 a brief statement that sets forth ~~in simple and nontechnical~~  
11 ~~terms~~:

12 1. The provisions of this section relating to levy and  
13 sale of property;

14 2. The procedures applicable to the levy under this  
15 section;

16 3. The administrative and judicial appeals available  
17 to the ~~delinquent~~ obligor with respect to such levy and sale,  
18 and the procedures relating to such appeals; and

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

21 (8)~~(7)~~ An ~~A~~ ~~delinquent child support~~ obligor may  
22 contest the notice of intent to levy provided for under  
23 subsection~~(7)~~~~(6)~~ by filing an action in circuit court.  
24 Alternatively, the ~~delinquent~~ obligor may file a petition  
25 under the applicable provisions of chapter 120. After an  
26 action has been initiated under chapter 120 to contest the  
27 notice of intent to levy, an action relating to the same levy  
28 may not be filed by the ~~delinquent~~ obligor in circuit court,  
29 and judicial review is exclusively limited to appellate review  
30 pursuant to s. 120.68. Also, after an action has been  
31

1 initiated in circuit court, an action may not be brought under  
2 chapter 120.

3 (9)~~(8)~~ An action may not be brought to contest a  
4 notice of intent to levy under chapter 120 or in circuit  
5 court, later than 21 days after the date of receipt of the  
6 notice of intent to levy.

7 (10)~~(9)~~ The department shall provide notice to the  
8 Comptroller, in electronic or other form specified by the  
9 Comptroller, listing the obligors for whom warrants are  
10 outstanding. Pursuant to subsection (1), the Comptroller  
11 shall, upon notice from the department, withhold all payments  
12 to any ~~delinquent child support~~ obligor who provides  
13 commodities or services to the state, leases real property to  
14 the state, or constructs a public building or public work for  
15 the state. The department may levy upon the withheld payments  
16 in accordance with subsection (3). Section 215.422 does not  
17 apply from the date the notice is filed with the Comptroller  
18 until the date the department notifies the Comptroller of its  
19 consent to make payment to the person or 60 days after receipt  
20 of the department's notice in accordance with subsection (1),  
21 whichever occurs earlier.

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

24 Section 52. Section 409.25657, Florida Statutes, is  
25 created to read:

26 409.25657 Requirements for financial institutions.--

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

29 (a) "Financial institution" means:  
30  
31

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

1 for in subsection (2), not to exceed the actual costs incurred  
2 by such financial institution.

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

6 (a) For disclosure of any information as required  
7 under this section; or

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

11 (c) For disclosing any information in connection with  
12 a data match; or

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

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

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

22 Section 53. Section 409.2567, Florida Statutes, 1996  
23 Supplement, is amended to read:

24 409.2567 Services to individuals not otherwise  
25 eligible.--All child support ~~and paternity determination~~  
26 services provided by the department shall be made available on  
27 behalf of all dependent children. Services shall be provided  
28 upon acceptance of public assistance or upon proper  
29 application filed with the department. The department shall  
30 adopt rules to provide for the payment of a \$25 application  
31 fee from each applicant who is not a public assistance

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

30 Section 54. Paragraph (b) of subsection (2) of section  
31 409.2574, Florida Statutes, is amended to read:

1           409.2574 Income deduction enforcement in Title IV-D  
2 cases.--  
3           (2)  
4           (b) The department shall serve a notice ~~of its intent~~  
5 ~~to enforce income deduction~~ on the obligor that the income  
6 deduction notice has been served on the employers. Service  
7 upon an obligor under this section shall be made in the manner  
8 prescribed in chapter 48. The department shall furnish to the  
9 obligor a statement of his rights, remedies, and duties in  
10 regard to the income deduction.

11           Section 55. Section 409.2576, Florida Statutes, is  
12 created to read:

13           409.2576 State Directory of New Hires; definitions;  
14 furnishing reports and data; matches to state registry;  
15 service of deduction notices; national registry; disclosure of  
16 information; rulemaking authority.--

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

29           (2) DEFINITIONS.--For purposes of this section:  
30  
31

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 56. 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 57. 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 58. 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 59. 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 60. 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 61. 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 62. 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 63. 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 64. 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 65. 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 66. 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 67. 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 68. 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 69. 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 70. 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 71. 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 72. 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 73. 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 74. 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 75. 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 76. 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 77. (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 78. Effective October 1, 1997, section  
2 443.175, Florida Statutes, as created by chapter 94-318, Laws  
3 of Florida, is repealed.

4           Section 79. 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 80. 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 81. Except as otherwise expressly provided in  
11 this act, this act shall take effect July 1, 1997.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31