

By the Committee on Judiciary and Senator Dudley

308-2227-98

1                                   A bill to be entitled  
2           An act relating to child support enforcement;  
3           amending s. 61.13, F.S.; requiring child  
4           support orders to apportion certain medical  
5           expenses; providing requirements for notice and  
6           service of process; amending s. 61.1301, F.S.;  
7           revising provisions relating to income  
8           deduction orders and notices; amending s.  
9           61.181, F.S.; requiring evaluation of certain  
10          child support enforcement demonstration  
11          projects; requiring a report; amending s.  
12          61.30, F.S.; requiring certain information to  
13          accompany child support determinations;  
14          providing a limitation on retroactive awards;  
15          amending s. 69.041, F.S.; authorizing  
16          Department of Revenue participation in mortgage  
17          foreclosures based upon interests in a child  
18          support lien; amending ss. 319.24, 409.2575,  
19          F.S.; authorizing the director of the state  
20          child support enforcement program to delegate  
21          certain responsibilities with respect to motor  
22          vehicle liens; amending s. 319.32, F.S.;  
23          providing a fee for motor vehicle liens;  
24          amending ss. 372.561, 372.57, F.S.; requiring  
25          applicants for certain game and freshwater fish  
26          licenses to provide social security numbers;  
27          amending s. 382.008, F.S.; requiring death and  
28          fetal death registrations to include social  
29          security numbers, if available; restricting use  
30          of such numbers; amending s. 382.013, F.S.;  
31          providing for certain use of birth registration

1 information; specifying inclusion of certain  
2 birth information on the birth certificate;  
3 providing certain notice relating to paternity  
4 affidavits; amending s. 409.2557, F.S.;  
5 providing specific rulemaking authority;  
6 creating s. 409.2558, F.S.; providing for the  
7 department's distribution and disbursement of  
8 child support payments; creating s. 409.2559,  
9 F.S.; providing for establishment of a state  
10 disbursement unit; amending s. 409.2561, F.S.,  
11 relating to child support obligations when  
12 public assistance is paid; amending s.  
13 409.2564, F.S., relating to subpoenas in child  
14 support actions; providing for challenges;  
15 providing for enforcement; providing for fines;  
16 amending s. 409.25641, F.S.; providing for  
17 processing of automated administrative  
18 enforcement requests; creating s. 409.25658,  
19 F.S.; providing for use of certain unclaimed  
20 property for past-due child support; providing  
21 duties of the department and the Department of  
22 Banking and Finance; providing for notice and  
23 hearings; amending ss. 409.2567, 409.2578,  
24 443.051, F.S.; correcting and conforming  
25 references; amending ss. 409.2572, 414.095,  
26 414.32, F.S.; providing for determinations of  
27 good cause for failure to cooperate with the  
28 child support enforcement agency; amending ss.  
29 409.2576, 455.213, F.S.; clarifying conditions  
30 for disclosure of social security numbers;  
31 amending s. 409.2579, F.S.; revising provisions

1           which limit or prohibit disclosure of the  
2           identity and whereabouts of certain persons;  
3           providing a penalty; amending s. 443.1715,  
4           F.S., relating to disclosure of wage and  
5           unemployment compensation information; amending  
6           s. 741.04, F.S., relating to information  
7           required for issuance of a marriage license;  
8           amending s. 742.032, F.S., relating to  
9           requirements for notice and service of process;  
10          amending s. 61.14, F.S.; prohibiting deductions  
11          by local depositories for certain costs and  
12          fees until the total due the obligee has been  
13          paid; repealing s. 382.013(1), (2)(b), F.S., as  
14          amended by ch. 97-170, Laws of Florida, to  
15          clarify legislative intent with respect to  
16          conflicting enactments; providing an effective  
17          date.

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

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21           Section 1. Paragraph (b) of subsection (1) and  
22           paragraph (c) of subsection (9) of section 61.13, Florida  
23           Statutes, are amended to read:

24           61.13 Custody and support of children; visitation  
25           rights; power of court in making orders.--

26           (1)

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

1 obligor either to provide health insurance coverage or to  
2 reimburse the obligee for the cost of health insurance  
3 coverage for the minor child when coverage is provided by the  
4 obligee. In either event, the court shall apportion the cost  
5 of coverage, and any noncovered medical, dental, and  
6 prescription medication expenses of the child, to both parties  
7 by adding the cost to the basic obligation determined pursuant  
8 to s. 61.30(6). The court may order that payment of noncovered  
9 medical, dental, and prescription medication expenses of the  
10 minor child be made directly to the payee on a percentage  
11 basis.(9)

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

24 Section 2. Section 61.1301, Florida Statutes, is  
25 amended to read:

26 61.1301 Income deduction orders.--

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

30 (a) Upon the entry of an order establishing,  
31 enforcing, or modifying an obligation for alimony, for child

1 support, or for alimony and child support, other than a  
2 temporary order, the court shall enter a separate order  
3 ~~include provisions~~ for income deduction if one has not been  
4 entered of the alimony and/or child support in the order.  
5 Copies of the orders shall be served on the obligee and  
6 obligor. If the order establishing, enforcing, or modifying  
7 the obligation directs ~~shall direct~~ that payments be made  
8 through the depository, ~~the court shall provide to the~~  
9 depository a copy of the order establishing, enforcing, or  
10 modifying the obligation. If the obligee is a recipient of  
11 Title IV-D services applicant, the court shall furnish to the  
12 Title IV-D agency a copy of the income deduction order and the  
13 order establishing, enforcing, or modifying the obligation.

14 1. The obligee or, in Title IV-D cases, the Title IV-D  
15 agency may implement income deduction after receiving a copy  
16 of an order from the court under this paragraph or a  
17 forwarding agency under UIFSA, URESA, or RURESAs by issuing an  
18 income deduction notice to the payor.

19 2. The income deduction notice must state that it is  
20 based upon a valid support order and that it contains an  
21 income deduction requirement or upon a separate income  
22 deduction order. The income deduction notice must contain the  
23 notice to payor provisions specified by paragraph (2)(e). The  
24 income deduction notice must contain the following information  
25 from the income deduction order upon which the notice is  
26 based: the case number, the court that entered the order, and  
27 the date entered.

28 3. Payors shall deduct support payments from income,  
29 as specified in the income deduction notice, in the manner  
30 provided under paragraph (2)(e).

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1           4. In non-Title IV-D cases, the income deduction  
2 notice must be accompanied by a copy of the support order upon  
3 which the notice is based. In Title IV-D cases, upon request  
4 of a payor, the Title IV-D agency shall furnish the payor a  
5 copy of the income deduction order.~~The income deduction shall~~  
6 ~~be implemented by serving an income deduction notice upon the~~  
7 ~~payor.~~

8           ~~5.2.~~ If a support order entered before January 1,  
9 ~~1994, October 1, 1996,~~ in a non-Title IV-D case does not  
10 specify income deduction, income deduction may be initiated  
11 upon a delinquency without the need for any amendment to the  
12 support order or any further action by the court. In such  
13 case the obligee may implement income deduction by serving a  
14 notice of delinquency on the obligor as provided for under  
15 paragraph (f).

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

18           1. Direct a payor to deduct from all income due and  
19 payable to an obligor the amount required by the court to meet  
20 the obligor's support obligation including any attorney's fees  
21 or costs owed and forward the deducted amount pursuant to the  
22 order.

23           2. State the amount of arrearage owed, if any, and  
24 direct a payor to withhold an additional 20 percent or more of  
25 the periodic amount specified in the order establishing,  
26 enforcing, or modifying the obligation, until full payment is  
27 made of any arrearage, attorney's fees and costs owed,  
28 provided no deduction shall be applied to attorney's fees and  
29 costs until the full amount of any arrearage is paid;

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

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

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

16           (c) The income deduction order is effective  
17 immediately unless the court upon good cause shown finds that  
18 the income deduction order shall be effective upon a  
19 delinquency in an amount specified by the court but not to  
20 exceed 1 month's payment, pursuant to the order establishing,  
21 enforcing, or modifying the obligation. In order to find good  
22 cause, the court must at a minimum make written findings that:

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

25           2. There is proof of timely payment of the previously  
26 ordered obligation without an income deduction order in cases  
27 of modification; and

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

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1           b. There is a signed written agreement providing an  
2 alternative arrangement between the obligor and the obligee  
3 and, at the option of the IV-D agency, by the IV-D agency in  
4 IV-D cases in which there is an assignment of support rights  
5 to the state, reviewed and entered in the record by the court.

6           (d) The income deduction order shall be effective as  
7 long as the order upon which it is based is effective or until  
8 further order of the court.

9           (e) Statement of obligor's rights. When the court  
10 orders the income deduction to be effective immediately, the  
11 court shall furnish to the obligor a statement of his or her  
12 rights, remedies, and duties in regard to the income deduction  
13 order. The statement shall state:

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

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

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

23           4. That a copy of the income deduction order or, in  
24 Title IV-D cases, the income deduction notice will be served  
25 on the obligor's payor or payors.

26           5. That enforcement of the income deduction order  
27 ~~notice~~ may only be contested on the ground of mistake of fact  
28 regarding the amount owed pursuant to the order establishing,  
29 enforcing, or modifying the obligation, the arrearages, or the  
30 identity of the obligor, the payor, or the obligee.

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

5           (f) Notice of delinquency. If a support order was  
6 entered before January 1, 1994, or ~~when~~ the court orders the  
7 income deduction to be effective upon a delinquency as  
8 provided in ~~subparagraph (a)2.~~ or paragraph (c), the obligee  
9 or, in Title IV-D cases, the Title IV-D agency may enforce the  
10 income deduction by serving a notice of delinquency on the  
11 obligor under this subsection.

12           1. The notice of delinquency shall state:

13           a. The terms of the order establishing, enforcing, or  
14 modifying the obligation.

15           b. The period of delinquency and the total amount of  
16 the delinquency as of the date the notice is mailed.

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

18           d. The total amount of income to be deducted for each  
19 pay period until the arrearage, and all applicable fees and  
20 interest, is paid in full and shall state the total amount of  
21 income to be deducted for each pay period thereafter. The  
22 amounts deducted may not be in excess of that allowed under s.  
23 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.  
24 1673(b), as amended.

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

27           f. That a copy of the notice of delinquency will be  
28 served on the obligor's payor or payors, together with a copy  
29 of the income deduction order or, in Title IV-D cases, the  
30 income deduction notice, unless the obligor applies to the  
31 court to contest enforcement of the income deduction. The

1 application shall be filed within 15 days after the date the  
2 notice of delinquency was served.

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

9 h. That the obligor is required to notify the obligee  
10 of the obligor's current address and current payors and of the  
11 address of current payors. All changes shall be reported by  
12 the obligor within 7 days. If the IV-D agency is enforcing  
13 the order, the obligor shall make these notifications to the  
14 agency instead of to the obligee.

15 2. The failure of the obligor to receive the notice of  
16 delinquency does not preclude subsequent service of the income  
17 deduction order or, in Title IV-D cases, the income deduction  
18 notice on the obligor's payor. A notice of delinquency which  
19 fails to state an arrearage does not mean that an arrearage is  
20 not owed.

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

23 1. Modify, suspend, or terminate the income deduction  
24 order notice in accordance with a modification, suspension, or  
25 termination of the support provisions in the underlying order;  
26 or

27 2. Modify the amount of income deducted when the  
28 arrearage has been paid.

29 (2) ENFORCEMENT OF INCOME DEDUCTION ORDERS.--

30 (a) The obligee or his or her agent shall serve an  
31 income deduction order and notice to payor, or, in Title IV-D

1 cases, the Title IV-D agency shall issue an income deduction  
2 notice, and in the case of a delinquency a notice of  
3 delinquency, on the obligor's payor unless the obligor has  
4 applied for a hearing to contest the enforcement of the income  
5 deduction pursuant to paragraph (c).

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

10 2. Service upon an obligor's payor or successor payor  
11 under this section shall be made by prepaid certified mail,  
12 return receipt requested, or in the manner prescribed in  
13 chapter 48.

14 (c)1. The obligor, within 15 days after service of a  
15 notice of delinquency, may apply for a hearing to contest the  
16 enforcement of the income deduction on the ground of mistake  
17 of fact regarding the amount owed pursuant to an order  
18 establishing, enforcing, or modifying an obligation for  
19 alimony, for child support, or for alimony and child support,  
20 the amount of the arrearage, or the identity of the obligor,  
21 the payor, or the obligee. The obligor shall send a copy of  
22 the pleading to the obligee and, if the obligee is receiving  
23 IV-D services, to the IV-D agency. The timely filing of the  
24 pleading shall stay ~~the~~ service of an income deduction order  
25 or, in Title IV-D cases, income deduction notice on all payors  
26 of the obligor until a hearing is held and a determination is  
27 made as to whether enforcement of the income deduction order  
28 is proper. The payment of a delinquent obligation by an  
29 obligor upon entry ~~issuance~~ of an income deduction order  
30 ~~notice~~ shall not preclude service of the income deduction  
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1 order or, in Title IV-D cases, an income deduction notice on  
2 the obligor's payor.

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

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

22         (e) Notice to payor and income deduction notice. The  
23 notice to payor or, in Title IV-D cases, income deduction  
24 notice shall contain only information necessary for the payor  
25 to comply with the order providing for income deduction. The  
26 notice shall:

- 27             1. Provide the obligor's social security number.
- 28             2. Require the payor to deduct from the obligor's  
29 income the amount specified in the ~~order providing for income~~  
30 deduction order, and in the case of a delinquency the amount  
31 specified in the notice of delinquency, and to pay that amount

1 to the obligee or to the depository, as appropriate. The  
2 amount actually deducted plus all administrative charges shall  
3 not be in excess of the amount allowed under s. 303(b) of the  
4 Consumer Credit Protection Act, 15 U.S.C. s. 1673(b);

5 3. Instruct the payor to implement income deduction no  
6 later than the first payment date which occurs more than 14  
7 days after the date the income deduction notice was served on  
8 the payor, and the payor shall conform the amount specified in  
9 the income deduction order or, in Title IV-D cases, income  
10 deduction notice to the obligor's pay cycle;

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

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

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

29 7. State that the notice to payor or, in Title IV-D  
30 cases, income deduction notice, and in the case of a  
31 delinquency the notice of delinquency, are binding on the

1 payor until further notice by the obligee, IV-D agency, or the  
2 court or until the payor no longer provides income to the  
3 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 the requirement for ~~an~~ income deduction ~~notice~~ and shall  
18 state that a violation of this provision subjects the payor to  
19 a civil penalty not to exceed \$250 for the first violation or  
20 \$500 for any subsequent violation. Penalties shall be paid to  
21 the obligee or the IV-D agency, whichever is enforcing the  
22 income deduction ~~notice~~, 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~~. The obligor is entitled  
29 to reinstatement and all wages and benefits lost, plus  
30 reasonable attorney's fees and costs incurred;

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

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

15           13. Inform the payor that if the payor receives more  
16 than one notice to payor or income deduction notice against  
17 the same obligor, the payor shall contact the court or, in  
18 Title IV-D cases, the Title IV-D agency for further  
19 instructions. Upon being so contacted, the court or, in Title  
20 IV-D cases when all the cases upon which the notices are based  
21 are Title IV-D cases, the Title IV-D agency shall allocate  
22 amounts available for income deduction as provided in  
23 subsection (4).

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

1 released from liability for improper receipt of moneys  
2 pursuant to an income deduction order upon return to the  
3 appropriate party of any moneys received.

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

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

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

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



1 other state and provide it with the name and address of the  
2 obligor and the address of any new payor of the obligor, if  
3 known.

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

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

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

1 establish an account for the receipt and disbursement of child  
2 support or child support and alimony payments and advise the  
3 IV-D agency of the account number in writing within 2 days  
4 after receipt of the documents or affidavit.

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

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

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

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

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

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

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

18           (b) If the total monthly support obligation to all  
19 families is less than the amount of income available for  
20 deduction, the full amount of each obligation must be  
21 ~~deducted.~~ ~~sum of the support obligations is less than the~~  
22 ~~amount of income available for deduction, the court shall~~  
23 ~~order that the full amount of each obligation shall be~~  
24 ~~deducted.~~

25           (c) If the total monthly support obligation to all  
26 families is greater than the amount of income available for  
27 deduction, the amount of the deduction must be prorated,  
28 giving priority to current support, so that each family is  
29 allocated a percentage of the amount deducted. The percentage  
30 to be allocated to each family is determined by dividing each  
31 current support obligation by the total of all current support

1 obligations. If the total of all current support obligations  
2 is less than the income available for deduction, and past due  
3 support is owed to more than one family, then the remainder of  
4 the available income must be prorated so that each family is  
5 allocated a percentage of the remaining income available for  
6 deduction. The percentage to be allocated to each family is  
7 determined by dividing each past-due support obligation by the  
8 total of all past-due support obligations. ~~sum of the support~~  
9 ~~obligations is greater than the amount of income available for~~  
10 ~~deduction, the court shall determine a prorated percentage for~~  
11 ~~each support obligation by dividing each obligation by the sum~~  
12 ~~total of all the support obligations. The court shall then~~  
13 ~~determine the prorated deduction amount for each support~~  
14 ~~obligation by multiplying the prorated percentage for each~~  
15 ~~support obligation by the amount of income available for~~  
16 ~~deduction. The court shall then order that the resultant~~  
17 ~~amount for each support obligation shall be deducted from the~~  
18 ~~obligor's income.~~

19 Section 3. Section 63.181, Florida Statutes, is  
20 amended to read:

21 61.181 Central depository for receiving, recording,  
22 reporting, monitoring, and disbursing alimony, support,  
23 maintenance, and child support payments; fees.--

24 (1) The office of the clerk of the court shall operate  
25 a depository unless the depository is otherwise created by  
26 special act of the Legislature or unless, prior to June 1,  
27 1985, a different entity was established to perform such  
28 functions. The department shall, no later than July 1, 1999  
29 ~~1998~~, extend participation in the federal child support cost  
30 reimbursement program to the central depository in each  
31 county, to the maximum extent possible under existing federal

1 law. The depository shall receive reimbursement for services  
2 provided under a cooperative agreement with the department as  
3 provided by federal law.

4 (2)(a) The depository shall impose and collect a fee  
5 on each payment made for receiving, recording, reporting,  
6 disbursing, monitoring, or handling alimony or child support  
7 payments as required under this section, which fee shall be a  
8 flat fee based, to the extent practicable, upon estimated  
9 reasonable costs of operation. The fee shall be reduced in  
10 any case in which the fixed fee results in a charge to any  
11 party of an amount greater than 3 percent of the amount of any  
12 support payment made in satisfaction of the amount which the  
13 party is obligated to pay, except that no fee shall be less  
14 than \$1 nor more than \$5 per payment made. The fee shall be  
15 considered by the court in determining the amount of support  
16 that the obligor is, or may be, required to pay.

17 (b)1. For the period of July 1, 1992, through June 30,  
18 1999, the fee imposed in paragraph (a) shall be increased to 4  
19 percent of the support payments which the party is obligated  
20 to pay, except that no fee shall be more than \$5.25. The fee  
21 shall be considered by the court in determining the amount of  
22 support that the obligor is, or may be, required to pay.

23 Notwithstanding the provisions of s. 145.022, 75 percent of  
24 the additional revenues generated by this paragraph shall be  
25 remitted monthly to the Clerk of the Court Child Support  
26 Enforcement Collection System Trust Fund administered by the  
27 department as provided in subparagraph 2. These funds shall  
28 be used exclusively for the development, implementation, and  
29 operation of an automated child support enforcement  
30 collections system to be operated by the depositories. The  
31 department shall contract with the Florida Association of

1 Court Clerks ~~and Comptrollers~~ and the depositories to design,  
2 establish, operate, upgrade, and maintain the state  
3 disbursement unit and central case registry as required by  
4 federal law. That contract shall require the automation of the  
5 depositories and ~~to~~ include, but not be limited to, the  
6 provision of on-line electronic transfer of information to the  
7 IV-D agency as otherwise required by this chapter. Each  
8 depository created under this section shall fully participate  
9 in the automated child support enforcement collection system  
10 on or before July 1, 1997, and transmit data in a readable  
11 format as required by the contract between the Florida  
12 Association of Court Clerks ~~and Comptrollers~~ and the  
13 department. ~~The department may at its discretion exempt a~~  
14 ~~depository from compliance with full participation in the~~  
15 ~~automated child support enforcement collection system.~~

16 2. No later than December 31, 1996, moneys to be  
17 remitted to the department by the depository shall be done  
18 daily by electronic funds transfer and calculated as follows:

19 a. For each support payment of less than \$33, 18.75  
20 cents.

21 b. For each support payment between \$33 and \$140, an  
22 amount equal to 18.75 percent of the fee charged.

23 c. For each support payment in excess of \$140, 18.75  
24 cents.

25 3. Prior to June 30, 1995, the depositories and the  
26 department shall provide the Legislature with estimates of the  
27 cost of continuing the collection and maintenance of  
28 information required by this act.

29 4. The fees established by this section shall be set  
30 forth and included in every order of support entered by a  
31

1 court of this state which requires payment to be made into the  
2 depository.

3 (3)(a) The depository shall collect and distribute all  
4 support payments paid into the depository to the appropriate  
5 party. On or after July 1, 1999 ~~1998~~, if a payment on a Title  
6 IV-D case is made which is not accompanied by the required  
7 transaction fee, the depository shall not deduct any moneys  
8 from the support payment for payment of the fee. Nonpayment  
9 of the required fee shall be considered a delinquency, and  
10 when the total of fees and costs which are due but not paid  
11 exceeds \$50, the judgment by operation of law process set  
12 forth in s. 61.14(6)(a) shall become applicable and  
13 operational. As part of its collection and distribution  
14 functions, the depository shall maintain records listing:

- 15 1. The obligor's name, address, social security  
16 number, place of employment, and any other sources of income.
- 17 2. The obligee's name, address, and social security  
18 number.
- 19 3. The amount of support due as provided in the court  
20 order.
- 21 4. The schedule of payment as provided in the court  
22 order.
- 23 5. The actual amount of each support payment received,  
24 the date of receipt, the amount disbursed, and the recipient  
25 of the disbursement.
- 26 6. The unpaid balance of any arrearage due as provided  
27 in the court order.
- 28 7. Other records as necessary to comply with federal  
29 reporting requirements.

30 (b) The depository may require a payor or obligor to  
31 complete an information form, which shall request the

1 following about the payor or obligor who provides payment by  
2 check:

- 3 1. Full name, address, and home phone number.
- 4 2. Driver's license number.
- 5 3. Social security number.
- 6 4. Name, address, and business phone number of  
7 obligor's employer.
- 8 5. Date of birth.
- 9 6. Weight and height.
- 10 7. Such other information as may be required by the  
11 State Attorney if prosecution for an insufficient check  
12 becomes necessary.

13

14 If the depository requests such information, and a payor or  
15 obligor does not comply, the depository may refuse to accept  
16 personal checks from the payor or obligor.

17 (c) Parties using the depository for support payments  
18 shall inform the depository of changes in their names or  
19 addresses. An obligor shall, additionally, notify the  
20 depository of all changes in employment or sources of income,  
21 including the payor's name and address, and changes in the  
22 amounts of income received. Notification of all changes shall  
23 be made in writing to the depository within 7 days of a  
24 change.

25 (d) When custody of a child is relinquished by a  
26 custodial parent who is entitled to receive child support  
27 moneys from the depository to a licensed or registered  
28 long-term care child agency, that agency may request from the  
29 court an order directing child support payments which would  
30 otherwise be distributed to the custodial parent be  
31 distributed to the agency for the period of custody of the



1 child by the agency. Thereafter, payments shall be  
2 distributed to the agency as if the agency were the custodial  
3 parent until further order of the court.

4 (4) The depository shall provide to the IV-D agency,  
5 at least once a month, a listing of IV-D accounts which  
6 identifies all delinquent accounts, the period of delinquency,  
7 and total amount of delinquency. The list shall be in  
8 alphabetical order by name of obligor, shall include the  
9 obligee's name and case number, and shall be provided at no  
10 cost to the IV-D agency.

11 (5) The depository shall accept a support payment  
12 tendered in the form of a check drawn on the account of a  
13 payor or obligor, unless the payor or obligor has previously  
14 remitted a check which was returned to the depository due to  
15 lack of sufficient funds in the account. If the payor or  
16 obligor has had a check returned for this reason, the  
17 depository shall accept payment by cash, cashier's check, or  
18 money order, or may accept a check upon deposit by the payor  
19 or obligor of an amount equal to 1 month's payment. Upon  
20 payment by cash, cashier's check, or money order, the  
21 depository shall disburse the proceeds to the obligee within 2  
22 working days. Payments drawn by check on the account of a  
23 payor or obligor shall be disbursed within 4 working days.  
24 Notwithstanding the provisions of s. 28.243, the administrator  
25 of the depository shall not be personally liable if the check  
26 tendered by the payor or obligor is not paid by the bank.

27 (6) Certified copies of payment records maintained by  
28 a depository shall without further proof be admitted into  
29 evidence in any legal proceeding in this state.

30 (7) The depository shall provide to the Title IV-D  
31 agency the date provided by a payor, as required in s.

1 61.1301, for each payment received and forwarded to the  
2 agency. If no date is provided by the payor, the depository  
3 shall provide the date of receipt by the depository and shall  
4 report to the Title IV-D agency those payors who fail to  
5 provide the date the deduction was made.

6 (8) On or before July 1, 1994, the depository shall  
7 provide information required by this chapter to be transmitted  
8 to the Title IV-D agency by on-line electronic transmission  
9 pursuant to rules promulgated by the Title IV-D agency.

10 (9) If the increase in fees as provided by paragraph  
11 (2)(b) expires or is otherwise terminated, the depository  
12 shall not be required to provide the Title IV-D agency the  
13 date provided by a payor as required by s. 61.1301.

14 (10) Compliance with the requirements of this section  
15 shall be included as part of the annual county audit required  
16 pursuant to s. 11.45.

17 (11) The Office of Program Policy Analysis and  
18 Government Accountability shall conduct a program audit of the  
19 central child support enforcement depositories operating  
20 pursuant to this section. This audit shall include, but not  
21 be limited to, an analysis of current and pending federal  
22 requirements for the child support enforcement depository and  
23 a review of the adequacy of the present depository and funds  
24 distribution system to meet those requirements; a cost  
25 analysis of the current system; and a review of all  
26 strategies, including federal reimbursement, distribution of  
27 funds by the local depository, and privatization, to increase  
28 efficiency in payment processing. The audit must be completed  
29 and a report must be submitted to the Senate and the House of  
30 Representatives before December 1, 1996. This subsection

31

1 shall not affect the implementation of any other parts of this  
2 section.

3 (12) The Office of Program Policy Analysis and  
4 Government Accountability is directed to evaluate the Dade  
5 County Child Support Enforcement demonstration project  
6 administered by the state attorney for the eleventh judicial  
7 circuit, and the Manatee County Child Support Enforcement  
8 demonstration project administered by the clerk of the circuit  
9 court. The office shall report its findings to the Governor,  
10 the President of the Senate, and the Speaker of the House of  
11 Representatives, no later than January 1, 1999.

12 Section 4. Paragraph (a) of subsection (1) and  
13 subsections (8) and (17) of section 61.30, Florida Statutes,  
14 are amended to read:

15 61.30 Child Support guidelines; retroactive child  
16 support.--

17 (1)(a) The child support guideline amount as  
18 determined by this section presumptively establishes the  
19 amount the trier of fact shall order as child support in an  
20 initial proceeding for such support or in a proceeding for  
21 modification of an existing order for such support, whether  
22 the proceeding arises under this or another chapter. The  
23 trier of fact may order payment of child support which varies,  
24 plus or minus 5 percent, from the guideline amount, after  
25 considering all relevant factors, including the needs of the  
26 child or children, age, station in life, standard of living,  
27 and the financial status and ability of each parent. The  
28 trier of fact may order payment of child support in an amount  
29 which varies more than 5 percent from such guideline amount  
30 only upon a written finding, ~~or a specific finding on the~~

31

1 ~~record~~, explaining why ordering payment of such guideline  
2 amount would be unjust or inappropriate.

3 (8) Health insurance costs resulting from coverage  
4 ordered pursuant to s. 61.13(1)(b), and any noncovered  
5 medical, dental, and prescription medication expenses of the  
6 child, shall be added to the basic obligation unless these  
7 expenses have been ordered to be separately paid on a  
8 percentage basis. After the health insurance costs are added  
9 to the basic obligation, any moneys prepaid by the  
10 noncustodial parent for health-related costs ~~health insurance~~  
11 for the child or children of this action shall be deducted  
12 from that noncustodial parent's child support obligation for  
13 that child or those children.

14 (17) In an initial determination of child support,  
15 whether in a paternity action, dissolution of marriage action,  
16 or petition for support during the marriage, the court has  
17 discretion to award child support retroactive to the date when  
18 the parents did not reside together in the same household with  
19 the child, not to exceed a period of 24 months, regardless of  
20 whether that date precedes the filing of the petition. In  
21 determining the retroactive award in such cases, the court  
22 shall consider the following:

23 (a) The court shall apply the guidelines in effect at  
24 the time of the hearing subject to the obligor's demonstration  
25 of his or her actual income, as defined by s. 61.30(2), during  
26 the retroactive period. Failure of the obligor to so  
27 demonstrate, shall result in the court using the obligor's  
28 income at the time of the hearing, in computing child support  
29 for the retroactive period.

30 (b) All actual payments made by the noncustodial  
31 parent to the custodial parent or the child or third parties

1 for the benefit of the child throughout the proposed  
2 retroactive period.

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

5 Section 5. Subsection (4) of section 69.041, Florida  
6 Statutes, is amended to read:

7 69.041 State named party; lien foreclosure, suit to  
8 quiet title.--

9 (4)(a) The Department of Revenue has the right to  
10 participate in the disbursement of funds remaining in the  
11 registry of the court after distribution pursuant to s.  
12 45.031(7). The department shall participate in accordance with  
13 applicable procedures in any mortgage foreclosure action in  
14 which the department has a duly filed tax warrant, or  
15 interests under a lien arising from a judgment, order, or  
16 decree for child support, against the subject property and  
17 with the same priority, regardless of whether a default  
18 against the department has been entered for failure to file an  
19 answer or other responsive pleading.

20 (b) With respect to a duly filed tax warrant,  
21 paragraph (a) applies only to mortgage foreclosure actions  
22 initiated on or after July 1, 1994, and to those mortgage  
23 foreclosure actions initiated before July 1, 1994, in which no  
24 default has been entered against the Department of Revenue  
25 before July 1, 1994. With respect to mortgage foreclosure  
26 actions initiated based upon interests under a lien arising  
27 from a judgment, order, or decree for child support, paragraph  
28 (a) applies only to mortgage foreclosure actions initiated on  
29 or after July 1, 1998, and to those mortgage foreclosure  
30 actions initiated before July 1, 1998, in which no default has  
31

1 been entered against the Department of Revenue before July 1,  
2 1998.

3 Section 6. Subsection (4) of section 319.24, Florida  
4 Statutes, is amended to read:

5 319.24 Issuance in duplicate; delivery; liens and  
6 encumbrances.--

7 (4) If the owner of the motor vehicle or mobile home,  
8 as shown on the title certificate, or the director of the  
9 state child support enforcement program, or the director's  
10 designee, desires to place a second or subsequent lien or  
11 encumbrance against the motor vehicle or mobile home when the  
12 title certificate is in the possession of the first  
13 lienholder, the owner shall send a written request to the  
14 first lienholder by certified mail, and such first lienholder  
15 shall forward the certificate to the department for  
16 endorsement. If the title certificate is in the possession of  
17 the owner, the owner shall forward the certificate to the  
18 department for endorsement. The department shall return the  
19 certificate to either the first lienholder or to the owner, as  
20 indicated in the notice of lien filed by the first lienholder,  
21 after endorsing the second or subsequent lien on the  
22 certificate and on the duplicate. If the first lienholder or  
23 owner fails, neglects, or refuses to forward the certificate  
24 of title to the department within 10 days from the date of the  
25 owner's or the director's or designee's request, the  
26 department, on the written request of the subsequent  
27 lienholder or an assignee thereof, shall demand of the first  
28 lienholder the return of such certificate for the notation of  
29 the second or subsequent lien or encumbrance.

30  
31

1           Section 7. Present subsection (4) of section 319.32,  
2 Florida Statutes, is renumbered as subsection (5), and a new  
3 subsection (4) is added to that section to read:

4           319.32 Fees; service charges; disposition.--

5           (4) The department shall charge a fee of \$7 for each  
6 lien placed on a motor vehicle by the state child support  
7 enforcement program pursuant to s. 319.24.

8           Section 8. Subsection (2) of section 372.561, Florida  
9 Statutes, is amended to read:

10          372.561 Issuance of licenses to take wild animal life  
11 or freshwater aquatic life; costs; reporting.--

12          (2) The commission shall issue licenses and permits to  
13 take wild animal life or freshwater aquatic life upon proof by  
14 the applicant for licensure that she or he is entitled to such  
15 license or permit. The commission shall establish the forms  
16 for such licenses and permits. Each applicant for a license,  
17 permit, or authorization shall provide the applicant's social  
18 security number on the application form. Disclosure of social  
19 security numbers obtained through this requirement shall be  
20 limited to the purpose of administration of the Title IV-D  
21 program for child support enforcement and use by the  
22 commission, and as otherwise provided by law.

23          Section 9. Section 372.57, Florida Statutes, is  
24 amended to read:

25          372.57 Licenses and permits; exemptions; fees.--No  
26 person, except as provided herein, shall take game, freshwater  
27 fish, or fur-bearing animals within this state without having  
28 first obtained a license, permit, or authorization and paid  
29 the fees hereinafter set forth, unless such license is issued  
30 without fee as provided in s. 372.561. Such license, permit,  
31 or authorization shall authorize the person to whom it is

1 issued to take game, freshwater fish, or fur-bearing animals  
2 in accordance with law and commission rules. Such license,  
3 permit, or authorization is not transferable. Each license or  
4 permit must bear on its face in indelible ink the name of the  
5 person to whom it is issued and other information requested by  
6 the commission. Such license, permit, or authorization issued  
7 by the commission or any agent must be in the personal  
8 possession of the person to whom issued while taking game,  
9 freshwater fish, or fur-bearing animals. The failure of such  
10 person to exhibit such license, permit, or authorization to  
11 the commission or its wildlife officers, when such person is  
12 found taking game, freshwater fish, or fur-bearing animals, is  
13 a violation of law. A positive form of identification is  
14 required when using an authorization, a lifetime license, a  
15 5-year license, or when otherwise required by the license or  
16 permit. The lifetime licenses and 5-year licenses provided  
17 herein shall be embossed with the name, date of birth, the  
18 date of issuance, and other pertinent information as deemed  
19 necessary by the commission. A certified copy of the  
20 applicant's birth certificate shall accompany all applications  
21 for a lifetime license for residents 12 years of age and  
22 younger. Each applicant for a license, permit, or  
23 authorization shall provide the applicant's social security  
24 number on the application form. Disclosure of social security  
25 numbers obtained through this requirement shall be limited to  
26 the purpose of administration of the Title IV-D child support  
27 enforcement program and use by the commission, and as  
28 otherwise provided by law.

- 29 (1) A license or permit is not required for:  
30 (a) Any child under 16 years of age except as  
31 otherwise provided in this chapter.



1           (b) Any person hunting or fishing in the person's  
2 county of residence on the person's homestead or the homestead  
3 of the person's spouse or minor child, or any minor child  
4 hunting or fishing on the homestead of her or his parent.

5           (c) Any resident who is a member of the Armed Forces  
6 of the United States, who is not stationed in this state, when  
7 home on leave for 30 days or less, upon submission of orders.

8           (d) Any resident when fishing with live or natural  
9 bait, using poles or lines which are not equipped with a  
10 fishing line retrieval mechanism, and fishing for  
11 noncommercial purposes in the county of her or his residence,  
12 except on legally established fish management areas. This  
13 paragraph, as amended by chapter 76-156, Laws of Florida, may  
14 be cited as the "Dempsey J. Barron, W. D. Childers, and Joe  
15 Kershaw Cane Pole Tax Repeal Act of 1976."

16           (e) Any person fishing in a fish pond of 20 acres or  
17 less which is located entirely within the private property of  
18 the fish pond owner.

19           (f) Any person fishing in a fish pond which is  
20 licensed in accordance with s. 372.5705.

21           (g) Any person fishing who has been accepted as a  
22 client for developmental services by the Department of Health  
23 and Rehabilitative Services, which department shall furnish  
24 such person proof thereof.

25           (h) Any resident 65 years of age or older who has in  
26 her or his possession proof of age and residency. A free  
27 license may be obtained from any tax collector's office upon  
28 proof of age and residency.

29           (2) For residents and nonresidents, the license and  
30 fees for noncommercial fishing and for hunting and trapping in  
31

1 this state, and the activity authorized thereby, are as  
2 follows:

3 (a) A fishing license for a resident to take  
4 freshwater fish in this state is \$12.

5 (b)1. A fishing license for a nonresident to take  
6 freshwater fish in this state for 7 consecutive days is \$15.

7 2. A fishing license for a nonresident to take  
8 freshwater fish for 3 consecutive days is \$5.

9 (c) A fishing license for a nonresident to take  
10 freshwater fish in this state is \$30.

11 (d) A combination fishing and hunting license for a  
12 resident to take freshwater fish and game in this state is  
13 \$22.

14 (e) A hunting license for a resident to take game in  
15 this state is \$11.

16 (f) A hunting license for a nonresident to take game  
17 in this state is \$150.

18 (g) A hunting license for a nonresident to take game  
19 in this state for 10 consecutive days is \$25.

20 (h) A license for a resident and nonresident to take  
21 fur-bearing animals in this state is \$25.

22 (i) A sportsman's license for a resident is \$66. The  
23 sportsman's license authorizes the holder to take freshwater  
24 fish and game, subject to state and federal regulations and  
25 rules of the commission in effect at the time of taking, and  
26 authorizes the same activities authorized by a management area  
27 permit, a muzzle-loading gun permit, a turkey permit, a  
28 Florida waterfowl permit, and an archery permit. A  
29 nonresident may not purchase a sportsman's license.

30 (3) A resident or nonresident taking fur-bearing  
31 animals by the use of guns or dogs only and not by the use of

1 traps or other devices, and not for commercial purposes, who  
2 has purchased the license provided for hunting in this  
3 section, received a no-cost license, or is exempt from the  
4 license requirements of this chapter is not required to  
5 purchase the license provided in paragraph (2)(h). A resident  
6 who is age 65 or older is not required to purchase the license  
7 provided in paragraph (2)(h).

8 (4) In addition to any license required by this  
9 chapter, the following permits and fees for certain hunting,  
10 fishing, and recreational uses, and the activities authorized  
11 thereby, are:

12 (a) A Florida waterfowl permit to take wild ducks or  
13 geese within this state or its coastal waters is \$3.

14 (b) Management area permits to hunt, fish, or  
15 otherwise use for outdoor recreational purposes, land owned,  
16 leased, or managed by the commission or the State of Florida  
17 for the use and benefit of the commission, up to \$25 annually.  
18 Permits, and fees thereof, for short-term use of land which is  
19 owned, leased, or managed by the commission may be established  
20 by rule of the commission for any activity on such lands.  
21 Such permits and fees may be in lieu of or in addition to the  
22 annual management area permit. Other than for hunting or  
23 fishing, the provisions of this paragraph shall not apply on  
24 any lands not owned by the commission, unless the commission  
25 shall have obtained the written consent of the owner or  
26 primary custodian of such lands.

27 (c) A muzzle-loading gun permit to hunt within this  
28 state with a muzzle-loading gun during those game seasons in  
29 which hunting with a modern firearm is not allowed is \$5.

30  
31

1 (d) An archery permit to hunt within this state with a  
2 bow and arrow during those game seasons in which hunting with  
3 a firearm is not allowed is \$5.

4 (e) A Florida turkey permit to take wild turkeys  
5 within this state is \$5.

6 (f) A special use permit for limited entry hunting or  
7 fishing, where such hunting or fishing is authorized by  
8 commission rule, shall be up to \$100 per day but shall not  
9 exceed \$250 per week. In addition to the fee, the commission  
10 may charge each applicant for a special use permit a  
11 nonrefundable application fee of up to \$10.

12 (5) The commission is authorized to reduce the fees  
13 for licenses and permits under this section for residents of  
14 those states with which the commission has entered into  
15 reciprocal agreements with respect to such fees.

16 (6) The commission may designate by rule no more than  
17 2 consecutive or nonconsecutive days in each year as free  
18 fishing days. Notwithstanding any other provision of this  
19 chapter, any person may take freshwater fish for noncommercial  
20 purposes on a free fishing day without obtaining or possessing  
21 a license or paying a license fee as prescribed in this  
22 section. A person who takes freshwater fish on a free fishing  
23 day without obtaining a license or paying a fee must comply  
24 with all laws and regulations governing holders of a fishing  
25 license and all other conditions and limitations regulating  
26 the taking of freshwater fish as are imposed by law or rule.

27 (7) A resident lifetime sportsman's license authorizes  
28 the holder to engage in the following noncommercial  
29 activities:

30 (a) To take or attempt to take or possess freshwater  
31 fish, marine fish, and game, consistent with state and federal

1 regulations and rules of the commission and the Department of  
2 Environmental Protection in effect at the time of taking.

3 (b) All activities authorized by a management area  
4 permit, a muzzle-loading gun permit, a turkey permit, an  
5 archery permit, a Florida waterfowl permit, a snook permit,  
6 and a crawfish permit.

7 (c) All activities for which an additional license,  
8 permit, or fee may be required to take or attempt to take or  
9 possess freshwater fish, marine fish, and game, imposed  
10 subsequent to the date of purchase of the resident lifetime  
11 sportsman's license.

12 (8) The fee for a resident lifetime sportsman's  
13 license is:

14 (a) 4 years of age or younger.....\$400  
15 (b) 5-12 years of age.....\$700  
16 (c) 13-63 years of age or older.....\$1,000  
17 (d) 64 years of age or older.....\$12

18 (9) A resident lifetime hunting license authorizes the  
19 holder to engage in the following noncommercial activities:

20 (a) To take or attempt to take or possess game  
21 consistent with state and federal regulations and rules of the  
22 commission in effect at the time of taking.

23 (b) All activities authorized by a management area  
24 permit, excluding fishing, a muzzle-loading gun permit, a  
25 turkey permit, an archery permit, and a Florida waterfowl  
26 permit.

27 (c) All activities for which an additional license,  
28 permit, or fee may be required to take or attempt to take or  
29 possess game, imposed subsequent to the date of purchase of  
30 the resident lifetime hunting license.

31

1           (10) The fee for a resident lifetime hunting license  
2 shall be:  
3           (a) 4 years of age or younger.....\$200  
4           (b) 5-12 years of age.....\$350  
5           (c) 13 years of age or older.....\$500  
6           (11) A resident lifetime freshwater fishing license  
7 authorizes the holder to engage in the following noncommercial  
8 activities:  
9           (a) To take or attempt to take or possess freshwater  
10 fish consistent with state and federal regulations and rules  
11 of the commission in effect at the time of taking.  
12           (b) All activities authorized by a management area  
13 permit, excluding hunting.  
14           (c) All activities for which an additional license,  
15 permit, or fee may be required to take or attempt to take or  
16 possess freshwater fish, imposed subsequent to the date of  
17 purchase of the resident lifetime freshwater fishing license.  
18           (12) The fee for a resident lifetime freshwater  
19 fishing license shall be:  
20           (a) 4 years of age or younger.....\$125  
21           (b) 5-12 years of age.....\$225  
22           (c) 13 years of age or older.....\$300  
23           (13) Fees collected pursuant to s. 370.0605(2) for  
24 5-year saltwater fishing licenses, fees collected pursuant to  
25 s. 370.0605(5)(e) for replacement 5-year and lifetime  
26 licenses, fees collected pursuant to s. 370.0615 for lifetime  
27 saltwater fishing licenses and 30 percent of the fee for the  
28 lifetime sportsman's license shall be transferred within 30  
29 days following the last day of the month in which the license  
30 fees were received by the commission to the Marine Resources  
31 Conservation Trust Fund.

1 (14) The following 5-year licenses are authorized:

2 (a) A 5-year freshwater fishing license for a resident  
3 to take or attempt to take or possess freshwater fish in this  
4 state for 5 consecutive years is \$60 and authorizes the holder  
5 to engage in the following noncommercial activities:

6 1. To take or attempt to take or possess freshwater  
7 fish consistent with state and federal regulations and rules  
8 of the commission in effect at the time of taking.

9 2. All activities authorized by a management area  
10 permit, excluding hunting.

11 3. All activities for which an additional license,  
12 permit, or fee is required to take or attempt to take or  
13 possess freshwater fish, imposed subsequent to the date of  
14 purchase of the 5-year resident freshwater fishing license  
15 until the date of expiration.

16 (b) A 5-year hunting license for a resident to take or  
17 attempt to take or possess game in this state for 5  
18 consecutive years is \$270 and authorizes the holder to engage  
19 in the following noncommercial activities:

20 1. To take or attempt to take or possess game  
21 consistent with state and federal regulations and rules of the  
22 commission in effect at the time of taking.

23 2. All activities authorized by a management area  
24 permit, excluding fishing, a muzzle-loading gun permit, a  
25 turkey permit, an archery permit, and a Florida waterfowl  
26 permit.

27 3. All activities for which an additional license,  
28 permit, or fee may be required to take or attempt to take or  
29 possess game, imposed subsequent to the date of purchase of  
30 the 5-year resident hunting license until the date of  
31 expiration.

1           (15) Proceeds from the sale of 5-year licenses as  
2 provided in this chapter shall be deposited into the Dedicated  
3 License Trust Fund. One-fifth of the total proceeds derived  
4 from the sale of 5-year licenses, replacement 5-year licenses,  
5 and all interest derived therefrom shall be available for  
6 appropriation annually.

7           Section 10. Subsection (1) of section 382.008, Florida  
8 Statutes, is amended to read:

9           382.008 Death and fetal death registration.--

10           (1) A certificate for each death and fetal death which  
11 occurs in this state shall be filed on a form prescribed by  
12 the department with the local registrar of the district in  
13 which the death occurred within 5 days after such death and  
14 prior to final disposition, and shall be registered by such  
15 registrar if it has been completed and filed in accordance  
16 with this chapter or adopted rules. The certificate shall  
17 include the decedent's social security number, if available.  
18 Disclosure of social security numbers obtained through this  
19 requirement shall be limited to the purpose of administration  
20 of the Title IV-D program for child support enforcement and as  
21 otherwise provided by law.In addition, each certificate of  
22 death or fetal death:

23           (a) If requested by the informant, shall include  
24 aliases or "also known as" (AKA) names of a decedent in  
25 addition to the decedent's name of record. Aliases shall be  
26 entered on the face of the death certificate in the space  
27 provided for name if there is sufficient space. If there is  
28 not sufficient space, aliases may be recorded on the back of  
29 the certificate and shall be considered part of the official  
30 record of death;

31



1 (b) If the place of death is unknown, shall be  
2 registered in the registration district in which the dead body  
3 or fetus is found within 5 days after such occurrence; and

4 (c) If death occurs in a moving conveyance, shall be  
5 registered in the registration district in which the dead body  
6 was first removed from such conveyance.

7 Section 11. Section 382.013, Florida Statutes, is  
8 amended to read:

9 382.013 Birth registration.--A certificate for each  
10 live birth that occurs in this state shall be filed within 5  
11 days after such birth with the local registrar of the district  
12 in which the birth occurred and shall be registered by the  
13 local registrar if the certificate has been completed and  
14 filed in accordance with this chapter and adopted rules. The  
15 information regarding registered births shall be used for  
16 comparison with information in the state case registry, as  
17 defined in chapter 61.

18 (1) FILING.--

19 (a) If a birth occurs in a hospital, birth center, or  
20 other health care facility, or en route thereto, the person in  
21 charge of the facility shall be responsible for preparing the  
22 certificate, certifying the facts of the birth, and filing the  
23 certificate with the local registrar. Within 48 hours after  
24 the birth, the physician, midwife, or person in attendance  
25 during or immediately after the delivery shall provide the  
26 facility with the medical information required by the birth  
27 certificate.

28 (b) If a birth occurs outside a facility and the child  
29 is not taken to the facility within 3 days after delivery, the  
30 certificate shall be prepared and filed by one of the  
31 following persons in the indicated order of priority:

1           1. The physician or midwife in attendance during or  
2 immediately after the birth.

3           2. In the absence of persons described in subparagraph  
4 1., any other person in attendance during or immediately after  
5 the birth.

6           3. In the absence of persons described in subparagraph  
7 2., the father or mother.

8           4. In the absence of the father and the inability of  
9 the mother, the person in charge of the premises where the  
10 birth occurred.

11           (c) If a birth occurs in a moving conveyance and the  
12 child is first removed from the conveyance in this state, the  
13 birth shall be filed and registered in this state and the  
14 place to which the child is first removed shall be considered  
15 the place of birth.

16           (d) At least one of the parents of the child shall  
17 attest to the accuracy of the personal data entered on the  
18 certificate in time to permit the timely registration of the  
19 certificate.

20           (e) If a certificate of live birth is incomplete, the  
21 local registrar shall immediately notify the health care  
22 facility or person filing the certificate and shall require  
23 the completion of the missing items of information if they can  
24 be obtained prior to issuing certified copies of the birth  
25 certificate.

26           (f) Regardless of any plan to place a child for  
27 adoption after birth, the information on the birth certificate  
28 as required by this section must be as to the child's birth  
29 parents unless and until an application for a new birth record  
30 is made under s. 63.152.

31           (2) PATERNITY.--

1 (a) If the mother is married at the time of birth, the  
2 name of the husband shall be entered on the birth certificate  
3 as the father of the child, unless paternity has been  
4 determined otherwise by a court of competent jurisdiction.

5 (b) If the husband of the mother dies while the mother  
6 is pregnant but before the birth of the child, the name of the  
7 deceased husband shall be entered on the birth certificate as  
8 the father of the child, unless paternity has been determined  
9 otherwise by a court of competent jurisdiction.

10 (c) If the mother is not married at the time of birth,  
11 the name of the father may not be entered on the birth  
12 certificate without the execution of a consenting affidavit  
13 signed by both the mother and the person to be named as the  
14 father. After giving notice orally or through the use of  
15 video or audio equipment, and in writing, of the alternatives  
16 to, the legal consequences of, and the rights, including, if  
17 one parent is a minor, any rights afforded due to minority  
18 status, and responsibilities that arise from signing an  
19 acknowledgment of paternity,the facility shall provide the  
20 mother and the person to be named as the father with the  
21 affidavit, as well as information provided by the Title IV-D  
22 agency established pursuant to s. 409.2557, regarding the  
23 benefits of voluntary establishment of paternity. Upon  
24 request of the mother and the person to be named as the  
25 father, the facility shall assist in the execution of the  
26 affidavit.

27 (d) If the paternity of the child is determined by a  
28 court of competent jurisdiction as provided under s. 382.015,  
29 the name of the father and the surname of the child shall be  
30 entered on the certificate in accordance with the finding and  
31 order of the court. If the court fails to specify a surname

1 for the child, the surname shall be entered in accordance with  
2 subsection (3).

3 (e) If the father is not named on the certificate, no  
4 other information about the father shall be entered on the  
5 certificate.

6 (3) NAME OF CHILD.--

7 (a) If the mother is married at the time of birth, the  
8 mother and father whose names are entered on the birth  
9 certificate shall select the given names and surname of the  
10 child if both parents have custody of the child, otherwise the  
11 parent who has custody shall select the child's name.

12 (b) If the mother and father whose names are entered  
13 on the birth certificate disagree on the surname of the child  
14 and both parents have custody of the child, the surname  
15 selected by the father and the surname selected by the mother  
16 shall both be entered on the birth certificate, separated by a  
17 hyphen, with the selected names entered in alphabetical order.  
18 If the parents disagree on the selection of a given name, the  
19 given name may not be entered on the certificate until a joint  
20 agreement that lists the agreed upon given name and is  
21 notarized by both parents is submitted to the department, or  
22 until a given name is selected by a court.

23 (c) If the mother is not married at the time of birth,  
24 the parent ~~person~~ who will have custody of the child shall  
25 select the child's given name and surname.

26 (d) If multiple names of the child exceed the space  
27 provided on the face of the birth certificate they shall be  
28 listed on the back of the certificate. Names listed on the  
29 back of the certificate shall be part of the official record.

30 (e) Unless the child is of undetermined parentage  
31 under subsection (4), the child's given surname or, if the

1 child's given surname is hyphenated, one of the names in that  
2 hyphenated surname must be the surname of the child's mother  
3 or the child's father as entered on the birth certificate  
4 under subsection (2).

5 (4) UNDETERMINED PARENTAGE.--A birth certificate shall  
6 be registered for every child of undetermined parentage  
7 showing all known or approximate facts relating to the birth.  
8 To assist in later determination, information concerning the  
9 place and circumstances under which the child was found shall  
10 be included on the portion of the birth certificate relating  
11 to marital status and medical details. In the event the child  
12 is later identified to the satisfaction of the department, a  
13 new birth certificate shall be prepared which shall bear the  
14 same number as the original birth certificate, and the  
15 original certificate shall be sealed and filed, shall be  
16 confidential and exempt from the provisions of s. 119.07(1),  
17 and shall not be opened to inspection by, nor shall certified  
18 copies of the same be issued except by court order to, any  
19 person other than the registrant if of legal age.

20 (5) DISCLOSURE.--The original certificate of live  
21 birth shall contain all the information required by the  
22 department for legal, social, and health research purposes.  
23 However, all information concerning parentage, marital status,  
24 and medical details shall be confidential and exempt from the  
25 provisions of s. 119.07(1), except for health research  
26 purposes as approved by the department, nor shall copies of  
27 the same be issued except as provided in s. 382.025.

28 Section 12. Subsection (3) is added to section  
29 409.2557, Florida Statutes, to read:

30 409.2557 State agency for administering child support  
31 enforcement program.--

1           (3) The department has the authority to adopt rules  
2 pursuant to ss. 120.54 and 120.536(1) to implement the  
3 following aspects of the laws administered by the department  
4 in its capacity as the Title IV-D agency for this state:

5           (a) Background screening of department employees and  
6 applicants, including criminal records checks.

7           (b) Confidentiality and retention of department  
8 records; access to records; and record requests.

9           (c) Department trust funds.

10           (d) Federal funding procedures.

11           (e) Agreements with law enforcement and other state  
12 agencies; National Crime Information Center (NCIC) access; and  
13 parent locator service access.

14           (f) Department contracts, pilot programs, and  
15 demonstration projects.

16           (g) Collection of genetic testing costs and other  
17 costs awarded to the department by the court.

18           (h) Reporting information to and receiving information  
19 from other agencies and entities.

20           (i) Providing location services, including accessing  
21 from and reporting to federal and state agencies.

22           (j) Privatizing location, establishment, enforcement,  
23 modification, and other functions.

24           (k) State case registry.

25           (l) State disbursement unit.

26           Section 13. Section 409.2558, Florida Statutes, is  
27 created to read:

28           409.2558 Child support distribution and  
29 disbursement.--The department shall distribute and disburse  
30 child support payments collected in Title IV-D cases in  
31 accordance with 42 U.S.C. s. 657 and regulations adopted

1 thereunder by the Secretary of the United States Department of  
2 Health and Human Services through the state disbursement unit  
3 established by the department under s. 409.2559.

4 Section 14. Section 409.2559, Florida Statutes, is  
5 created to read:

6 409.2559 State disbursement unit.--The department  
7 shall establish and operate a state disbursement unit by  
8 October 1, 1999, as required by 42 U.S.C. s. 654(27).

9 Section 15. Section 409.2561, Florida Statutes, is  
10 amended to read:

11 409.2561 Child support obligations when public  
12 assistance is paid ~~Public assistance payments; reimbursement~~  
13 ~~of obligation to department; assignment of rights;~~  
14 subrogation; medical and health insurance information.--

15 (1) Any payment of public assistance money made to, or  
16 for the benefit of, any dependent child creates an obligation  
17 in an amount equal to the amount of public assistance paid. In  
18 accordance with 42 U.S.C. s. 657, the state shall retain  
19 amounts collected only to the extent necessary to reimburse  
20 amounts paid to the family as assistance by the state. If  
21 there has been a prior court order or final judgment of  
22 dissolution of marriage establishing an obligation of support,  
23 the obligation is limited to the amount provided by such court  
24 order or decree ~~pursuant to the applicable child support~~  
25 ~~guidelines in s. 61.30.~~ The obligor shall discharge the  
26 reimbursement obligation. If the obligor fails to discharge  
27 the reimbursement obligation, the department may apply for a  
28 contempt order to enforce reimbursement for support furnished.  
29 The extraordinary remedy of contempt is applicable in child  
30 support enforcement cases because of the public necessity for  
31 ensuring that dependent children be maintained from the

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

14 (2)(a) By accepting public assistance, the recipient  
15 assigns to the department any right, title, and interest to  
16 support the recipient may be owed:

17 1. From any other person up to the amount of public  
18 assistance paid where no court order has been entered, or  
19 where there is a court order it is limited to the amount  
20 provided by such court order;

21 2. On the recipient's own behalf or in behalf of  
22 another family member for whom the recipient is receiving  
23 assistance; and

24 3. At the time that the assignment becomes effective  
25 by operation of law.

26 (b) The recipient appoints the department as her or  
27 his attorney in fact to act in her or his name, place, and  
28 stead to perform specific acts relating to support, including,  
29 but not limited to:

30 1. Endorsing any draft, check, money order, or other  
31 negotiable instrument representing support payments which are



1 received on behalf of the dependent child as reimbursement for  
2 the public assistance moneys previously or currently paid;

3 2. Compromising claims;

4 3. Pursuing civil and criminal enforcement of support  
5 obligations; and

6 4. Executing verified complaints for the purpose of  
7 instituting an action for the determination of paternity of a  
8 child born, or to be born, out of wedlock.

9 (3) The department shall be subrogated to the right of  
10 the dependent child or person having the care, custody, and  
11 control of the child to prosecute or maintain any support  
12 action or action to determine paternity or execute any legal,  
13 equitable, or administrative remedy existing under the laws of  
14 the state to obtain reimbursement of public assistance paid,  
15 being paid, or to be paid.

16 (4) No obligation of support under this section shall  
17 be incurred by any person who is the recipient of public  
18 assistance moneys for the benefit of a dependent child or who  
19 is incapacitated and financially unable to pay as determined  
20 by the department.

21 (5) With respect to cases for which there is an  
22 assignment in effect pursuant to this section:

23 (a) The IV-D agency shall obtain basic medical support  
24 information for Medicaid recipients and applicants for  
25 Medicaid and provide this information to the state Medicaid  
26 agency for third-party liability purposes.

27 (b) When the obligor receives health insurance  
28 coverage for the dependent child, the IV-D agency shall  
29 provide health insurance policy information, including any  
30 information available about the health insurance policy which  
31 would permit a claim to be filed or, in the case of a health

1 maintenance or preferred provider organization, service to be  
2 provided, to the state Medicaid agency.

3 (c) The state Medicaid agency, upon receipt of the  
4 health coverage information from the IV-D agency, shall notify  
5 the obligor's insuring entity that the Medicaid agency must be  
6 notified within 30 days when such coverage is discontinued.

7 (d) Entities providing health insurance as defined in  
8 s. 624.603 and health maintenance organizations and prepaid  
9 health clinics as defined in chapter 641 shall provide such  
10 records and information as is necessary to accomplish the  
11 purpose of this subsection, unless such requirement results in  
12 an unreasonable burden.

13 (e) The executive director of the department and the  
14 commissioner of the Department of Insurance shall enter into a  
15 cooperative agreement for requesting and obtaining information  
16 necessary to effect the purpose and objectives of this  
17 subsection:

18 1. The department shall only request that information  
19 necessary to determine whether health insurance as defined  
20 pursuant to s. 624.603 or those health services provided  
21 pursuant to chapter 641 is discontinued.

22 2. All information obtained pursuant to subparagraph  
23 1. is confidential and exempt from the provisions of s.  
24 119.07(1).

25 3. The cooperative agreement or rules promulgated  
26 hereunder may include financial arrangements to reimburse the  
27 reporting entities for reasonable costs or a portion thereof  
28 incurred in furnishing the requested information. Neither the  
29 cooperative agreement nor the rules shall require the  
30 automation of manual processes to provide the requested  
31 information.

1           4. The department and the Department of Insurance  
2 jointly shall promulgate rules for the development and  
3 administration of the cooperative agreement. The rules shall  
4 include the following:

5           a. A method for identifying those entities subject to  
6 furnishing information under the cooperative agreement;

7           b. A method for furnishing requested information; and

8           c. Procedures for requesting exemption from the  
9 cooperative agreement based on an unreasonable burden to the  
10 reporting entity.

11           (f) Upon the state Medicaid agency receiving notice  
12 from the obligor's insuring entity that the coverage is  
13 discontinued due to cancellation or other means, the Medicaid  
14 agency shall notify the IV-D agency of such discontinuance and  
15 the effective date. When appropriate, the IV-D agency shall  
16 then take action to bring the obligor before the court for  
17 enforcement.

18           Section 16. Subsections (8) and (9) of section  
19 409.2564, Florida Statutes, are amended to read:

20           409.2564 Actions for support.--

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

27           (a) For the purpose of any investigation under this  
28 chapter, any designated employee may administer oaths or  
29 affirmations, subpoena witnesses and compel their attendance,  
30 take evidence and require the production of any matter which  
31 is relevant to the child support enforcement investigation,

1 including the existence, description, nature, custody,  
2 condition, and location of any books, documents, or other  
3 tangible things and the identity and location of persons  
4 having knowledge of relevant facts or any other matter  
5 reasonably calculated to lead to the discovery of material  
6 evidence.

7 (b) Prior to making application to the court for an  
8 order compelling compliance with a subpoena ~~imposition of a~~  
9 ~~fine~~, the department shall issue a written notification of  
10 noncompliance. Failure to comply within 15 days after ~~of~~  
11 receipt of the written notification without good cause may  
12 result in the ~~agency taking the following actions:~~

13 1. ~~Imposition of an administrative fine of not more~~  
14 ~~than \$500;~~

15 2. ~~The~~ application by the Title IV-D agency to the  
16 circuit court for an order compelling compliance with the  
17 subpoena. The person who is determined to be in noncompliance  
18 with the subpoena shall be liable for reasonable attorney's  
19 fees and costs associated with the department bringing this  
20 action upon showing by the department that the person failed  
21 to comply with the request without good cause.

22 (c) ~~All fines collected pursuant to this section shall~~  
23 ~~be made payable to the Child Support Enforcement Application~~  
24 ~~Fee and Program Revenue Trust Fund.~~

25 (9) In cases in which support is subject to an  
26 assignment as provided under 45 C.F.R. s. 301.1 ~~required under~~  
27 ~~s. 409.2561(2)~~, the Title IV-D agency shall, upon providing  
28 notice to the obligor and obligee, direct the obligor or other  
29 payor to change the payee to the appropriate depository.

30 Section 17. Section 409.25641, Florida Statutes, is  
31 amended to read:

1           409.25641 Procedures for processing automated  
2 administrative interstate enforcement requests.--

3           (1) The Title IV-D agency shall use automated  
4 administrative enforcement in response to a request from  
5 another state to enforce a support order and shall promptly  
6 report the results of enforcement action to the requesting  
7 state. "Automated administrative enforcement" means the use of  
8 automated data processing to search state databases and  
9 determine whether information is available regarding the  
10 parent who owes a child support obligation.~~The Title IV-D~~  
11 ~~agency shall respond within 5 business days to a request from~~  
12 ~~another state to enforce a support order.~~

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

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

18           (c) Shall constitute a certification by the requesting  
19 state; and

20           1. Of the amount of arrearage accrued under the order;  
21 and

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

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

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

29           (a) The number of requests received;

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

1 (c) The amount of such collected support.

2 (5) The department shall have authority to adopt rules  
3 to implement this section.

4 Section 18. Section 409.25658, Florida Statutes, is  
5 created to read:

6 409.25658 Use of unclaimed property for past-due child  
7 support.--

8 (1) In a joint effort to facilitate the collection and  
9 payment of past-due child support, the Department of Revenue,  
10 in cooperation with the Department of Banking and Finance,  
11 shall identify persons owing child support collected through a  
12 court who are presumed to have abandoned property held by the  
13 Department of Banking and Finance.

14 (2) The department shall periodically provide the  
15 Department of Banking and Finance with an electronic file of  
16 child support obligors who owe past-due child support. The  
17 Department of Banking and Finance shall conduct a data match  
18 of the file against all apparent owners of abandoned property  
19 under chapter 717 and provide the resulting match list to the  
20 department.

21 (3) Upon receipt of the data match list, the  
22 department shall provide to the Department of Banking and  
23 Finance the obligor's last known address. The Department of  
24 Banking and Finance shall follow the notification procedures  
25 under s. 717.118.

26 (4) Prior to paying an obligor's approved claim, the  
27 Department of Banking and Finance shall notify the department  
28 that such claim has been approved. Upon confirmation that the  
29 Department of Banking and Finance has approved the claim, the  
30 department shall immediately send a notice by certified mail  
31 to the obligor, with a copy to the Department of Banking and

1 Finance, advising the obligor of the department's intent to  
2 intercept the approved claim up to the amount of the past-due  
3 child support, and informing the obligor of the obligor's  
4 right to request a hearing under chapter 120. The Department  
5 of Banking and Finance shall retain custody of the property  
6 until a final order has been entered and any appeals thereon  
7 have been concluded. If the obligor fails to request a  
8 hearing, the department shall enter a final order instructing  
9 the Department of Banking and Finance to transfer to the  
10 department the property in the amount stated in the final  
11 order. Upon such transfer, the Department of Banking and  
12 Finance shall be released from further liability related to  
13 the transferred property.

14 (5) The provisions of this section provide a  
15 supplemental remedy and the department may use this remedy in  
16 conjunction with any other method of collecting child support.

17 Section 19. Section 409.2567, Florida Statutes, is  
18 amended to read:

19 409.2567 Services to individuals not otherwise  
20 eligible.--All child support services provided by the  
21 department shall be made available on behalf of all dependent  
22 children. Services shall be provided upon acceptance of public  
23 assistance or upon proper application filed with the  
24 department. The department shall adopt rules to provide for  
25 the payment of a \$25 application fee from each applicant who  
26 is not a public assistance recipient. The application fee  
27 shall be deposited in the Child Support Enforcement  
28 Application and Program Revenue ~~User Fee~~ Trust Fund within the  
29 Department of Revenue to be used for the Child Support  
30 Enforcement Program. The obligor is responsible for all  
31 administrative costs, as defined in s. 409.2554. The court

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

26 Section 20. Subsection (4) is added to section  
27 409.2572, Florida Statutes, to read:

28 409.2572 Cooperation.--

29 (4) The Title IV-D agency shall determine whether an  
30 applicant for or recipient of public assistance for a  
31



1 dependent child has good cause for failing to cooperate with  
2 the Title IV-D agency as required by this section.

3 Section 21. Section 409.2575, Florida Statutes, is  
4 amended to read:

5 409.2575 Liens on motor vehicles and vessels.--

6 (1) The director of the state IV-D program, or the  
7 director's designee, may cause a lien for unpaid and  
8 delinquent support to be placed upon motor vehicles, as  
9 defined in chapter 320, and upon vessels, as defined in  
10 chapter 327, that are registered in the name of an obligor who  
11 is delinquent in support payments, if the title to the  
12 property is held by a lienholder, in the manner provided in  
13 chapter 319 or chapter 328. Notice of lien shall not be  
14 mailed unless the delinquency in support exceeds \$600.

15 (2) If the first lienholder fails, neglects, or  
16 refuses to forward the certificate of title to the appropriate  
17 department as requested pursuant to s. 319.24 or s. 328.15,  
18 the director of the IV-D program, or the director's designee,  
19 may apply to the circuit court for an order to enforce the  
20 requirements of s. 319.24 or s. 328.15, whichever applies.

21 Section 22. Paragraph (c) of subsection (3) and  
22 subsection (9) of section 409.2576, Florida Statutes, are  
23 amended to read:

24 409.2576 State Directory of New Hires; definitions;  
25 furnishing reports and data; matches to state registry;  
26 service of deduction notices; national registry; disclosure of  
27 information; rulemaking authority.--

28 (3) EMPLOYERS TO FURNISH REPORTS.--

29 (c) Pursuant to the federal Personal Responsibility  
30 and Work Opportunity Reconciliation Act of 1996, each party is  
31 required to provide his or her social security number in

1 accordance with this section. Disclosure of social security  
2 numbers obtained through this requirement shall be limited to  
3 the purpose of administration of the Title IV-D program for  
4 child support enforcement and those programs listed in  
5 subsection (9).

6 (9) DISCLOSURE OF INFORMATION.--

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

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

12 2. The Medicaid program under Title XIX of the Social  
13 Security Act;

14 3. The unemployment compensation program under s. 3304  
15 of the Internal Revenue Code of 1954;

16 4. The food stamp program under the Food Stamp Act of  
17 1977; and

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

24 (b) New hire information shall be disclosed to the  
25 state agencies operating employment security and workers'  
26 compensation programs for the purposes of administering such  
27 programs.

28 Section 23. Paragraph (b) of subsection (2) and  
29 subsection (3) of section 409.2578, Florida Statutes, are  
30 amended to read:

31

1           409.2578 Access to employment information;  
2 administrative fine.--

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

8           (b) The application by the Title IV-D agency or its  
9 designee, to the circuit court for an order ~~court~~ compelling  
10 compliance. The person who is determined to be in  
11 noncompliance with the request shall be liable for reasonable  
12 attorney's fees and costs associated with the department  
13 bringing this action upon showing by the department that the  
14 person failed to comply with the request without good cause.

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

18           Section 24. Subsections (1), (3), (4), and (5) of  
19 section 409.2579, Florida Statutes, are amended, and  
20 subsection (6) of that section is reenacted to read:

21           409.2579 Safeguarding Title IV-D case file  
22 information.--

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

28           (a) The administration of the plan or program approved  
29 under part A, part B, part D, part E, or part F of Title IV;  
30 under Title II, Title X, Title XIV, Title XVI, Title XIX, or  
31

1 Title XX; or under the supplemental security income program  
2 established under Title XVI of the Social Security Act;

3 (b) Any investigation, prosecution, or criminal or  
4 civil proceeding connected with the administration of any such  
5 plan or program;

6 (c) The administration of any other federal or  
7 federally assisted program which provides service or  
8 assistance, in cash or in kind, directly to individuals on the  
9 basis of need; ~~and~~

10 (d) Reporting to an appropriate agency or official,  
11 information on known or suspected instances of physical or  
12 mental injury, child abuse, sexual abuse or exploitation, or  
13 negligent treatment or maltreatment of a child who is the  
14 subject of a child support enforcement activity under  
15 circumstances which indicate that the child's health or  
16 welfare is threatened thereby; ~~and-~~

17 (e) Mandatory disclosure of identifying and location  
18 information as provided in s. 61.13(9) by the IV-D program  
19 when providing Title IV-D services.

20 (3) As required by federal law, 42 U.S.C. s. 654(26),  
21 upon notice that such an order exists, the IV-D program shall  
22 not disclose information on the whereabouts of one party or  
23 the child to the other party against whom a protective order  
24 with respect to the former party or the child has been  
25 entered.

26 (4) As required by federal law, 42 U.S.C. s. 654(26),  
27 the IV-D program shall not disclose information on the  
28 whereabouts of one party or the child to another person party  
29 if the program has reason to believe that the release of  
30 information to that person may result in physical or emotional  
31 harm to the ~~former~~ party or the child.

1           (5) The Department of Revenue ~~Children and Family~~  
2 ~~Services~~ is authorized to establish, by rule, procedures to  
3 implement this section.

4           (6) Any person who willfully and knowingly violates  
5 any of the provisions of this section is guilty of a  
6 misdemeanor of the first degree punishable as provided in s.  
7 775.082 or s. 775.083.

8           Section 25. Subsection (7) of section 414.095, Florida  
9 Statutes, is amended to read:

10           414.095 Determining eligibility for the WAGES  
11 Program.--

12           (7) CHILD SUPPORT ENFORCEMENT.--As a condition of  
13 eligibility for public ~~temporary cash~~ assistance, the family  
14 must cooperate with the state agency responsible for  
15 administering the child support enforcement program in  
16 establishing the paternity of the child, if the child is born  
17 out of wedlock, and in obtaining support for the child or for  
18 the parent or caretaker relative and the child. Cooperation is  
19 defined as:

20           (a) Assisting in identifying and locating a  
21 noncustodial parent and providing complete and accurate  
22 information on that parent;

23           (b) Assisting in establishing paternity; and

24           (c) Assisting in establishing, modifying, or enforcing  
25 a support order with respect to a child of a family member.

26  
27 This subsection does not apply if the state agency that  
28 administers the child support enforcement program determines  
29 that the parent or caretaker relative has good cause for  
30 failing to cooperate.

31

1           Section 26. Paragraph (a) of subsection (1) of section  
2 414.32, Florida Statutes, is amended to read:

3           414.32 Prohibitions and restrictions with respect to  
4 food stamps.--

5           (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT  
6 AGENCY.--

7           (a) A parent or caretaker relative who receives  
8 temporary cash assistance or food stamps on behalf of a child  
9 under 18 years of age who has an absent parent is ineligible  
10 for food stamps unless the parent or caretaker relative  
11 cooperates with the state agency that administers the child  
12 support enforcement program in establishing the paternity of  
13 the child, if the child is born out of wedlock, and in  
14 obtaining support for the child or for the parent or caretaker  
15 relative and the child. This paragraph does not apply if the  
16 state agency that administers the child support enforcement  
17 program determines that the parent or caretaker relative has  
18 good cause for failing to cooperate ~~in establishing the~~  
19 ~~paternity of the child.~~

20           Section 27. Paragraph (b) of subsection (3) of section  
21 443.051, Florida Statutes, is amended to read:

22           443.051 Benefits not alienable; exception, child  
23 support intercept.--

24           (3) EXCEPTION, CHILD SUPPORT INTERCEPT.--

25           (b) The division shall deduct and withhold from any  
26 unemployment compensation otherwise payable to an individual  
27 who owes child support obligations:

28           1. The amount specified by the individual to the  
29 division to be deducted and withheld under this section;

30           2. The amount determined pursuant to an agreement  
31 submitted to the division under s. 454(20)(B)(i) of the Social

1 Security Act by the state or local child support enforcement  
2 agency; or

3 3. Any amount otherwise required to be deducted and  
4 withheld from such unemployment compensation through legal  
5 process as defined in s. 459 ~~s. 462(e)~~ of the Social Security  
6 Act.

7 Section 28. Subsection (2) of section 443.1715,  
8 Florida Statutes, is amended to read:

9 443.1715 Disclosure of information; confidentiality.--

10 (2) DISCLOSURE OF INFORMATION.--Subject to such  
11 restrictions as the division prescribes by rule, information  
12 declared confidential under this section may be made available  
13 to any agency of this or any other state, or any federal  
14 agency, charged with the administration of any unemployment  
15 compensation law or the maintenance of a system of public  
16 employment offices, or the Bureau of Internal Revenue of the  
17 United States Department of the Treasury, or the Florida  
18 Department of Revenue and information obtained in connection  
19 with the administration of the employment service may be made  
20 available to persons or agencies for purposes appropriate to  
21 the operation of a public employment service or a  
22 job-preparatory or career education or training program. The  
23 division shall on a quarterly basis, furnish the National  
24 Directory of New Hires with information ~~extracts of the~~  
25 ~~reports required under s. 303(a)(6) of the Social Security Act~~  
26 ~~(42 U.S.C. s. 503) to be made to the Secretary of Labor~~  
27 concerning the wages and unemployment compensation paid to  
28 individuals, by such dates, in such format and containing such  
29 information as the Secretary of Health and Human Services  
30 shall specify in regulations. Upon request therefor, the  
31 division shall furnish any agency of the United States charged

1 with the administration of public works or assistance through  
2 public employment, and may furnish to any state agency  
3 similarly charged, the name, address, ordinary occupation, and  
4 employment status of each recipient of benefits and such  
5 recipient's rights to further benefits under this chapter.  
6 Except as otherwise provided by law, the receiving agency must  
7 retain the confidentiality of such information as provided in  
8 this section. The division may request the Comptroller of the  
9 Currency of the United States to cause an examination of the  
10 correctness of any return or report of any national banking  
11 association rendered pursuant to the provisions of this  
12 chapter and may in connection with such request transmit any  
13 such report or return to the Comptroller of the Currency of  
14 the United States as provided in s. 3305(c) of the federal  
15 Internal Revenue Code.

16 Section 29. Subsection (9) of section 455.213, Florida  
17 Statutes, is amended to read:

18 455.213 General licensing provisions.--

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

28 Section 30. Section 741.04, Florida Statutes, is  
29 amended to read:

30 741.04 Marriage license issued.--No county court judge  
31 or clerk of the circuit court in this state shall issue a



1 license for the marriage of any person unless there shall be  
2 first presented and filed with him or her an affidavit in  
3 writing, signed by both parties to the marriage, providing the  
4 social security numbers or other identification numbers of  
5 each party, made and subscribed before some person authorized  
6 by law to administer an oath, reciting the true and correct  
7 ages of such parties; unless both such parties shall be over  
8 the age of 18 years, except as provided in s. 741.0405; and  
9 unless one party is a male and the other party is a female.  
10 Pursuant to the federal Personal Responsibility and Work  
11 Opportunity Reconciliation Act of 1996, each party is required  
12 to provide his or her social security number in accordance  
13 with this section. However, when an individual is not a  
14 citizen of the United States and does not have a social  
15 security number, alien registration documentation, or other  
16 proof of immigration registration from the United States  
17 Immigration and Naturalization Service that contains the  
18 individual's alien admission number or alien file number, or  
19 such other documents as the state determines constitutes  
20 reasonable evidence indicating a satisfactory immigration  
21 status, shall be provided in lieu of the social security  
22 number. Disclosure of social security numbers or other  
23 identification numbers obtained through this requirement shall  
24 be limited to the purpose of administration of the Title IV-D  
25 program for child support enforcement.

26 Section 31. Subsection (2) of section 742.032, Florida  
27 Statutes, is amended to read:

28 742.032 Filing of location information.--

29 (2) Beginning July 1, 1997, in any subsequent Title  
30 IV-D child support enforcement action between the parties,  
31 upon sufficient showing that diligent effort has been made to

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

10 Section 32. Subsection (6) of section 61.14, Florida  
11 Statutes, is amended to read:

12 61.14 Enforcement and modification of support,  
13 maintenance, or alimony agreements or orders.--

14 (6)(a)1. When support payments are made through the  
15 local depository, any payment or installment of support which  
16 becomes due and is unpaid under any support order is  
17 delinquent; and this unpaid payment or installment, and all  
18 other costs and fees herein provided for, become, after notice  
19 to the obligor and the time for response as set forth in this  
20 subsection, a final judgment by operation of law, which has  
21 the full force, effect, and attributes of a judgment entered  
22 by a court in this state for which execution may issue. No  
23 deduction shall be made by the local depository from any  
24 payment made for costs and fees accrued in the judgment by  
25 operation of law process under paragraph (b) until the total  
26 amount of support payments due the obligee under the judgment  
27 has been paid.

28 2. A certified copy of the support order and a  
29 certified statement by the local depository evidencing a  
30 delinquency in support payments constitute evidence of the  
31 final judgment under this paragraph.

1           3. The judgment under this paragraph is a final  
2 judgment as to any unpaid payment or installment of support  
3 which has accrued up to the time either party files a motion  
4 with the court to alter or modify the support order, and such  
5 judgment may not be modified by the court. The court may  
6 modify such judgment as to any unpaid payment or installment  
7 of support which accrues after the date of the filing of the  
8 motion to alter or modify the support order. This  
9 subparagraph does not prohibit the court from providing relief  
10 from the judgment pursuant to Florida Rule of Civil Procedure  
11 1.540.

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

15           a. The delinquency and its amount.

16           b. An impending judgment by operation of law against  
17 him or her in the amount of the delinquency and all other  
18 amounts which thereafter become due and are unpaid, together  
19 with costs and a fee of \$5, for failure to pay the amount of  
20 the delinquency.

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

23           d. The local depository's authority to release  
24 information regarding the delinquency to one or more credit  
25 reporting agencies.

26           2. The local depository shall serve the notice by  
27 mailing it by first class mail to the obligor at his or her  
28 last address of record with the local depository. If the  
29 obligor has no address of record with the local depository,  
30 service shall be by publication as provided in chapter 49.

31

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

3           (c) Within 15 days after service of the notice is  
4 complete, the obligor may file with the court that issued the  
5 support order, or with the court in the circuit where the  
6 local depository which served the notice is located, a motion  
7 to contest the impending judgment. An obligor may contest the  
8 impending judgment only on the ground of a mistake of fact  
9 regarding an error in whether a delinquency exists, in the  
10 amount of the delinquency, or in the identity of the obligor.

11           (d) The court shall hear the obligor's motion to  
12 contest the impending judgment within 15 days after the date  
13 of the filing of the motion. Upon the court's denial of the  
14 obligor's motion, the amount of the delinquency and all other  
15 amounts which thereafter become due, together with costs and a  
16 fee of \$5, become a final judgment by operation of law against  
17 the obligor. The depository shall charge interest at the rate  
18 established in s. 55.03 on all judgments for child support.

19           (e) If the obligor fails to file a motion to contest  
20 the impending judgment within the time limit prescribed in  
21 paragraph (c) and fails to pay the amount of the delinquency  
22 and all other amounts which thereafter become due, together  
23 with costs and a fee of \$5, such amounts become a final  
24 judgment by operation of law against the obligor at the  
25 expiration of the time for filing a motion to contest the  
26 impending judgment.

27           (f)1. Upon request of any person, the local depository  
28 shall issue, upon payment of a fee of \$5, a payoff statement  
29 of the total amount due under the judgment at the time of the  
30 request. The statement may be relied upon by the person for up  
31

1 to 30 days from the time it is issued unless proof of  
2 satisfaction of the judgment is provided.

3 2. When the depository records show that the obligor's  
4 account is current, the depository shall record a satisfaction  
5 of the judgment upon request of any interested person and upon  
6 receipt of the appropriate recording fee. Any person shall be  
7 entitled to rely upon the recording of the satisfaction.

8 3. The local depository, at the direction of the  
9 department, or the obligee in a non-IV-D case, may partially  
10 release the judgment as to specific real property, and the  
11 depository shall record a partial release upon receipt of the  
12 appropriate recording fee.

13 4. The local depository is not liable for errors in  
14 its recordkeeping, except when an error is a result of  
15 unlawful activity or gross negligence by the clerk or his or  
16 her employees.

17 Section 33. Subsection (1) and paragraph (b) of  
18 subsection (2) of section 382.013, Florida Statutes, as  
19 amended by chapter 97-170, Laws of Florida, are repealed.

20 Section 34. This act shall take effect July 1, 1998.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 2244

The Committee Substitute for Senate Bill 2244 contains further legislation to meet initial federal welfare reform requirements, legislation to meet new federal requirements, corrective legislation to address technical problems with WAGES and with 1997 HB 2031, and legislation to address current concerns with child support enforcement unrelated to the prior legislation. Included among the latter category are: a limit on retroactive child support awards to two calendar years; a re-enactment of the requirement for a separate income deduction order, which was deleted in 1997; a requirement that the Office of Program Policy Analysis and Government Accountability evaluate the Dade County Child Support Enforcement demonstration project administered by the state attorney for the eleventh judicial circuit and the Manatee County Child Support Enforcement demonstration project administered by the clerk of the circuit court and report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives, no later than January 1, 1999; creation of a process by which DOR can place a claim against the unclaimed property in the possession of the Department of Banking and Finance for past due child support; a provision that the child support enforcement program is not required to file an Answer to the Complaint to Foreclose or other response in a foreclosure action in which the program has an interest under a lien arising from a judgment, order, or decree for child support in order to retain the right to participate in the disbursement of funds remaining in the registry; and the deletion of the authority of DOR to issue an administrative fine of not more than \$500 for failure to comply with an administrative subpoena for financial information necessary to establish, modify, or enforce a child support order.