

Bill No. CS/CS/HB 271, 1st Eng.

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Dudley moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 5, lines 4-5, delete those lines		
15			
16	and insert:		
17	Section 1. Paragraph (b) of subsection (1) and		
18	paragraph (c) of subsection (9) of section 61.13, Florida		
19	Statutes, are amended to read:		
20	61.13 Custody and support of children; visitation		
21	rights; power of court in making orders.--		
22	(1)		
23	(b) Each order for child support shall contain a		
24	provision for health insurance for the minor child when the		
25	insurance is reasonably available. Insurance is reasonably		
26	available if either the obligor or obligee has access at a		
27	reasonable rate to group insurance. The court may require the		
28	obligor either to provide health insurance coverage or to		
29	reimburse the obligee for the cost of health insurance		
30	coverage for the minor child when coverage is provided by the		
31	obligee. In either event, the court shall apportion the cost		

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1 of coverage, and any noncovered medical, dental, and  
 2 prescription medication expenses of the child, to both parties  
 3 by adding the cost to the basic obligation determined pursuant  
 4 to s. 61.30(6). The court may order that payment of uncovered  
 5 medical, dental, and prescription medication expenses of the  
 6 minor child be made directly to the payee on a percentage  
 7 basis.

8 (9)

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

21 Section 2. Section 61.1301, Florida Statutes, is  
 22 amended to read:

23 61.1301 Income deduction orders.--

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

27 (a) Upon the entry of an order establishing,  
 28 enforcing, or modifying an obligation for alimony, for child  
 29 support, or for alimony and child support, other than a  
 30 temporary order, the court shall enter a separate order  
 31 ~~include provisions~~ for income deduction if one has not been

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1 ~~entered of the alimony and/or child support in the order.~~  
2 Copies of the orders shall be served on the obligee and  
3 obligor. If the order establishing, enforcing, or modifying  
4 the obligation directs ~~shall direct~~ that payments be made  
5 through the depository, ~~the court shall provide to the~~  
6 depository a copy of the order establishing, enforcing, or  
7 modifying the obligation. If the obligee is a recipient of  
8 Title IV-D services applicant, the court shall furnish to the  
9 Title IV-D agency a copy of the income deduction order and the  
10 order establishing, enforcing, or modifying the obligation.

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

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

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

28 4. In non-Title IV-D cases, the income deduction  
29 notice must be accompanied by a copy of the support order upon  
30 which the notice is based. In Title IV-D cases, upon request  
31 of a payor, the Title IV-D agency shall furnish the payor a

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1 copy of the income deduction order.~~The income deduction shall~~  
2 ~~be implemented by serving an income deduction notice upon the~~  
3 ~~payor.~~

4 ~~5.2.~~ If a support order entered before January 1,  
5 1994,~~October 1, 1996,~~ in a non-Title IV-D case does not  
6 specify income deduction, income deduction may be initiated  
7 upon a delinquency without the need for any amendment to the  
8 support order or any further action by the court. In such  
9 case the obligee may implement income deduction by serving a  
10 notice of delinquency on the obligor as provided for under  
11 paragraph (f).

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

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

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

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

29 4. Direct whether a payor shall deduct all, a  
30 specified portion, or no income which is paid in the form of a  
31 bonus or other similar one-time payment, up to the amount of

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1 arrearage reported in the income deduction notice or the  
2 remaining balance thereof, and forward the payment to the  
3 governmental depository. For purposes of this subparagraph,  
4 "bonus" means a payment in addition to an obligor's usual  
5 compensation and which is in addition to any amounts  
6 contracted for or otherwise legally due and shall not include  
7 any commission payments due an obligor; and

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

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

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

19           2. There is proof of timely payment of the previously  
20 ordered obligation without an income deduction order in cases  
21 of modification; and

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

25           b. There is a signed written agreement providing an  
26 alternative arrangement between the obligor and the obligee  
27 and, at the option of the IV-D agency, by the IV-D agency in  
28 IV-D cases in which there is an assignment of support rights  
29 to the state, reviewed and entered in the record by the court.

30           (d) The income deduction order shall be effective as  
31 long as the order upon which it is based is effective or until

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1 further order of the court.

2 (e) Statement of obligor's rights. When the court  
3 orders the income deduction to be effective immediately, the  
4 court shall furnish to the obligor a statement of his or her  
5 rights, remedies, and duties in regard to the income deduction  
6 order. The statement shall state:

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

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

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

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

19 5. That enforcement of the income deduction order  
20 ~~notice~~ may only be contested on the ground of mistake of fact  
21 regarding the amount owed pursuant to the order establishing,  
22 enforcing, or modifying the obligation, the arrearages, or the  
23 identity of the obligor, the payor, or the obligee.

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

28 (f) Notice of delinquency. If a support order was  
29 entered before January 1, 1994, or ~~when~~ the court orders the  
30 income deduction to be effective upon a delinquency as  
31 provided in ~~subparagraph (a)2. or~~ paragraph (c), the obligee

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1 or, in Title IV-D cases, the Title IV-D agency may enforce the  
2 income deduction by serving a notice of delinquency on the  
3 obligor under this subsection.

4 1. The notice of delinquency shall state:

5 a. The terms of the order establishing, enforcing, or  
6 modifying the obligation.

7 b. The period of delinquency and the total amount of  
8 the delinquency as of the date the notice is mailed.

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

10 d. The total amount of income to be deducted for each  
11 pay period until the arrearage, and all applicable fees and  
12 interest, is paid in full and shall state the total amount of  
13 income to be deducted for each pay period thereafter. The  
14 amounts deducted may not be in excess of that allowed under s.  
15 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.  
16 1673(b), as amended.

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

19 f. That a copy of the notice of delinquency will be  
20 served on the obligor's payor or payors, together with a copy  
21 of the income deduction order or, in Title IV-D cases, the  
22 income deduction notice, unless the obligor applies to the  
23 court to contest enforcement of the income deduction. The  
24 application shall be filed within 15 days after the date the  
25 notice of delinquency was served.

26 g. 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 amount of  
30 arrearages, or the identity of the obligor, the payor, or the  
31 obligee.

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1           h. That the obligor is required to notify the obligee  
2 of the obligor's current address and current payors and of the  
3 address of current payors. All changes shall be reported by  
4 the obligor within 7 days. If the IV-D agency is enforcing  
5 the order, the obligor shall make these notifications to the  
6 agency instead of to the obligee.

7           2. The failure of the obligor to receive the notice of  
8 delinquency does not preclude subsequent service of the income  
9 deduction order or, in Title IV-D cases, the income deduction  
10 notice on the obligor's payor. A notice of delinquency which  
11 fails to state an arrearage does not mean that an arrearage is  
12 not owed.

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

15           1. Modify, suspend, or terminate the income deduction  
16 order notice in accordance with a modification, suspension, or  
17 termination of the support provisions in the underlying order;  
18 or

19           2. Modify the amount of income deducted when the  
20 arrearage has been paid.

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

22           (a) The obligee or his or her agent shall serve an  
23 income deduction order and notice to payor, or, in Title IV-D  
24 cases, the Title IV-D agency shall issue an income deduction  
25 notice, and in the case of a delinquency a notice of  
26 delinquency, on the obligor's payor unless the obligor has  
27 applied for a hearing to contest the enforcement of the income  
28 deduction pursuant to paragraph (c).

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



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1 upon parties.

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

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

25           2. When an obligor timely requests a hearing to  
26 contest enforcement of an income deduction order, the court,  
27 after due notice to all parties and the IV-D agency if the  
28 obligee is receiving IV-D services, shall hear the matter  
29 within 20 days after the application is filed. The court  
30 shall enter an order resolving the matter within 10 days after  
31 the hearing. A copy of this order shall be served on the

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1 parties and the IV-D agency if the obligee is receiving IV-D  
2 services. If the court determines that ~~service of an income~~  
3 deduction ~~notice~~ is proper, it shall specify the date the  
4 income deduction order ~~notice~~ must be served on the obligor's  
5 payor.

6 (d) When a court determines that an income deduction  
7 order ~~notice~~ is proper pursuant to paragraph (c), the obligee  
8 or his or her agent shall cause a copy of the notice of  
9 delinquency to be served on the obligor's payors. A copy of  
10 the income deduction order or, in Title IV-D cases, income  
11 deduction notice, and in the case of a delinquency a notice of  
12 delinquency, shall also be furnished to the obligor.

13 (e) Notice to payor and income deduction notice. The  
14 notice to payor or, in Title IV-D cases, income deduction  
15 notice shall contain only information necessary for the payor  
16 to comply with the order providing for income deduction. The  
17 notice shall:

18 1. Provide the obligor's social security number.  
19 2. Require the payor to deduct from the obligor's  
20 income the amount specified in the ~~order providing for~~ income  
21 deduction order, and in the case of a delinquency the amount  
22 specified in the notice of delinquency, and to pay that amount  
23 to the obligee or to the depository, as appropriate. The  
24 amount actually deducted plus all administrative charges shall  
25 not be in excess of the amount allowed under s. 303(b) of the  
26 Consumer Credit Protection Act, 15 U.S.C. s. 1673(b);

27 3. Instruct the payor to implement income deduction no  
28 later than the first payment date which occurs more than 14  
29 days after the date the income deduction notice was served on  
30 the payor, and the payor shall conform the amount specified in  
31 the income deduction order or, in Title IV-D cases, income

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1 deduction notice to the obligor's pay cycle;

2           4. Instruct the payor to forward, within 2 days after  
3 each date the obligor is entitled to payment from the payor,  
4 to the obligee or to the depository the amount deducted from  
5 the obligor's income, a statement as to whether the amount  
6 totally or partially satisfies the periodic amount specified  
7 in the income deduction order or, in Title IV-D cases, income  
8 deduction notice, and the specific date each deduction is  
9 made. If the IV-D agency is enforcing the order, the payor  
10 shall make these notifications to the agency instead of the  
11 obligee;

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

16           6. Provide that the payor may collect up to \$5 against  
17 the obligor's income to reimburse the payor for administrative  
18 costs for the first income deduction and up to \$2 for each  
19 deduction thereafter;

20           7. State that the notice to payor or, in Title IV-D  
21 cases, income deduction notice, and in the case of a  
22 delinquency the notice of delinquency, are binding on the  
23 payor until further notice by the obligee, IV-D agency, or the  
24 court or until the payor no longer provides income to the  
25 obligor;

26           8. Instruct the payor that, when he or she no longer  
27 provides income to the obligor, he or she shall notify the  
28 obligee and shall also provide the obligor's last known  
29 address and the name and address of the obligor's new payor,  
30 if known; and that, if the payor violates this provision, the  
31 payor is subject to a civil penalty not to exceed \$250 for the

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1 first violation or \$500 for any subsequent violation. If the  
2 IV-D agency is enforcing the order, the payor shall make these  
3 notifications to the agency instead of to the obligee.

4 Penalties shall be paid to the obligee or the IV-D agency,  
5 whichever is enforcing the income deduction order;

6 9. State that the payor shall not discharge, refuse to  
7 employ, or take disciplinary action against an obligor because  
8 of the requirement for an income deduction notice and shall  
9 state that a violation of this provision subjects the payor to  
10 a civil penalty not to exceed \$250 for the first violation or  
11 \$500 for any subsequent violation. Penalties shall be paid to  
12 the obligee or the IV-D agency, whichever is enforcing the  
13 income deduction ~~notice~~, if any alimony or child support  
14 obligation is owing. If no alimony or child support obligation  
15 is owing, the penalty shall be paid to the obligor;

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

22 11. Inform the payor that the requirement for income  
23 deduction notice has priority over all other legal processes  
24 under state law pertaining to the same income and that  
25 payment, as required by the notice to payor or income  
26 deduction notice, is a complete defense by the payor against  
27 any claims of the obligor or his or her creditors as to the  
28 sum paid;

29 12. Inform the payor that, when the payor receives  
30 notices to payor or income deduction notices requiring that  
31 the income of two or more obligors be deducted and sent to the

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1 same depository, the payor may combine the amounts that are to  
2 be paid to the depository in a single payment as long as the  
3 payments attributable to each obligor are clearly identified;  
4 and

5           13. Inform the payor that if the payor receives more  
6 than one notice to payor or income deduction notice against  
7 the same obligor, the payor shall contact the court or, in  
8 Title IV-D cases, the Title IV-D agency for further  
9 instructions. Upon being so contacted, the court or, in Title  
10 IV-D cases when all the cases upon which the notices are based  
11 are Title IV-D cases, the Title IV-D agency shall allocate  
12 amounts available for income deduction as provided in  
13 subsection (4).

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

25           (g) An obligee or his or her agent shall enforce an  
26 income deduction order against an obligor's successor payor  
27 who is located in this state in the same manner prescribed in  
28 this section for the enforcement of an income deduction order  
29 against a payor.

30           (h)1. When an income deduction order is to be enforced  
31 against a payor located outside the state, the obligee who is

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1 receiving IV-D services or his or her agent shall promptly  
2 request the agency responsible for income deduction in the  
3 other state to enforce the income deduction order. The request  
4 shall contain all information necessary to enforce the income  
5 deduction order, including the amount to be periodically  
6 deducted, a copy of the order establishing, enforcing, or  
7 modifying the obligation, and a statement of arrearages, if  
8 applicable.

9           2. When the IV-D agency is requested by the agency  
10 responsible for income deduction in another state to enforce  
11 an income deduction order against a payor located in this  
12 state for the benefit of an obligee who is being provided IV-D  
13 services by the agency in the other state, the IV-D agency  
14 shall act promptly pursuant to the applicable provisions of  
15 this section.

16           3. When an obligor who is subject to an income  
17 deduction order enforced against a payor located in this state  
18 for the benefit of an obligee who is being provided IV-D  
19 services by the agency responsible for income deduction in  
20 another state terminates his or her relationship with his or  
21 her payor, the IV-D agency shall notify the agency in the  
22 other state and provide it with the name and address of the  
23 obligor and the address of any new payor of the obligor, if  
24 known.

25           4.a. The procedural rules and laws of this state  
26 govern the procedural aspects of income deduction whenever the  
27 agency responsible for income deduction in another state  
28 requests the enforcement of an income deduction order in this  
29 state.

30           b. Except with respect to when withholding must be  
31 implemented, which is controlled by the state where the order

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1 establishing, enforcing, or modifying the obligation was  
2 entered, the substantive law of this state shall apply  
3 whenever the agency responsible for income deduction in  
4 another state requests the enforcement of an income deduction  
5 in this state.

6 c. When the IV-D agency is requested by an agency  
7 responsible for income deduction in another state to implement  
8 income deduction against a payor located in this state for the  
9 benefit of an obligee who is being provided IV-D services by  
10 the agency in the other state or when the IV-D agency in this  
11 state initiates an income deduction request on behalf of an  
12 obligee receiving IV-D services in this state against a payor  
13 in another state, pursuant to this section or the Uniform  
14 Interstate Family Support Act, the IV-D agency shall file the  
15 interstate income deduction documents, or an affidavit of such  
16 request when the income deduction documents are not available,  
17 with the depository and if the IV-D agency in this state is  
18 responding to a request from another state, provide copies to  
19 the payor and obligor in accordance with subsection (1). The  
20 depository created pursuant to s. 61.181 shall accept the  
21 interstate income deduction documents or affidavit and shall  
22 establish an account for the receipt and disbursement of child  
23 support or child support and alimony payments and advise the  
24 IV-D agency of the account number in writing within 2 days  
25 after receipt of the documents or affidavit.

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

29 (j)1. A person may not discharge, refuse to employ, or  
30 take disciplinary action against an employee because of the  
31 enforcement of an income deduction order. An employer who

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1 violates this subsection is subject to a civil penalty not to  
2 exceed \$250 for the first violation or \$500 for any subsequent  
3 violation. Penalties shall be paid to the obligee or the IV-D  
4 agency, whichever is enforcing the income deduction ~~order~~, if  
5 any alimony or child support is owing. If no alimony or child  
6 support is owing, the penalty shall be paid to the obligor.

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

13           (k) When a payor no longer provides income to an  
14 obligor, he or she shall notify the obligee and, if the  
15 obligee is a IV-D applicant, the IV-D agency and shall also  
16 provide the obligor's last known address and the name and  
17 address of the obligor's new payor, if known. A payor who  
18 violates this subsection is subject to a civil penalty not to  
19 exceed \$250 for the first violation or \$500 for a subsequent  
20 violation. Penalties shall be paid to the obligee or the IV-D  
21 agency, whichever is enforcing the income deduction order.

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

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

30           (a) For computation purposes, ~~the court shall convert~~  
31 all obligations must be converted to a common payroll



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1 frequency and ~~determine~~ the percentage of deduction allowed  
2 under s. 303(b) of the Consumer Credit Protection Act, 15  
3 U.S.C. s. 1673(b), as amended, must be determined. ~~The court~~  
4 ~~shall determine~~ The amount of income available for deduction  
5 is determined by multiplying that percentage ~~figure~~ by the  
6 obligor's net income ~~and determine the sum of all of the~~  
7 ~~support obligations.~~

8 (b) If the total monthly support obligation to all  
9 families is less than the amount of income available for  
10 deduction, the full amount of each obligation must be  
11 deducted. ~~sum of the support obligations is less than the~~  
12 ~~amount of income available for deduction, the court shall~~  
13 ~~order that the full amount of each obligation shall be~~  
14 ~~deducted.~~

15 (c) If the total monthly support obligation to all  
16 families is greater than the amount of income available for  
17 deduction, the amount of the deduction must be prorated,  
18 giving priority to current support, so that each family is  
19 allocated a percentage of the amount deducted. The percentage  
20 to be allocated to each family is determined by dividing each  
21 current support obligation by the total of all current support  
22 obligations. If the total of all current support obligations  
23 is less than the income available for deduction, and past due  
24 support is owed to more than one family, then the remainder of  
25 the available income must be prorated so that each family is  
26 allocated a percentage of the remaining income available for  
27 deduction. The percentage to be allocated to each family is  
28 determined by dividing each past-due support obligation by the  
29 total of all past-due support obligations. ~~sum of the support~~  
30 ~~obligations is greater than the amount of income available for~~  
31 ~~deduction, the court shall determine a prorated percentage for~~

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1 ~~each support obligation by dividing each obligation by the sum~~  
2 ~~total of all the support obligations. The court shall then~~  
3 ~~determine the prorated deduction amount for each support~~  
4 ~~obligation by multiplying the prorated percentage for each~~  
5 ~~support obligation by the amount of income available for~~  
6 ~~deduction. The court shall then order that the resultant~~  
7 ~~amount for each support obligation shall be deducted from the~~  
8 ~~obligor's income.~~

9           Section 3. Section 63.181, Florida Statutes, is  
10 amended to read:

11           61.181 Central depository for receiving, recording,  
12 reporting, monitoring, and disbursing alimony, support,  
13 maintenance, and child support payments; fees.--

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

25           (2)(a) The depository shall impose and collect a fee  
26 on each payment made for receiving, recording, reporting,  
27 disbursing, monitoring, or handling alimony or child support  
28 payments as required under this section, which fee shall be a  
29 flat fee based, to the extent practicable, upon estimated  
30 reasonable costs of operation. The fee shall be reduced in  
31 any case in which the fixed fee results in a charge to any

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1 party of an amount greater than 3 percent of the amount of any  
2 support payment made in satisfaction of the amount which the  
3 party is obligated to pay, except that no fee shall be less  
4 than \$1 nor more than \$5 per payment made. The fee shall be  
5 considered by the court in determining the amount of support  
6 that the obligor is, or may be, required to pay.

7 (b)1. For the period of July 1, 1992, through June 30,  
8 1999, the fee imposed in paragraph (a) shall be increased to 4  
9 percent of the support payments which the party is obligated  
10 to pay, except that no fee shall be more than \$5.25. The fee  
11 shall be considered by the court in determining the amount of  
12 support that the obligor is, or may be, required to pay.

13 Notwithstanding the provisions of s. 145.022, 75 percent of  
14 the additional revenues generated by this paragraph shall be  
15 remitted monthly to the Clerk of the Court Child Support  
16 Enforcement Collection System Trust Fund administered by the  
17 department as provided in subparagraph 2. These funds shall  
18 be used exclusively for the development, implementation, and  
19 operation of an automated child support enforcement  
20 collections system to be operated by the depositories. The  
21 department shall contract with the Florida Association of  
22 Court Clerks ~~and Comptrollers~~ and the depositories to design,  
23 establish, operate, upgrade, and maintain the automation of  
24 the depositories to include, but not be limited to, the  
25 provision of on-line electronic transfer of information to the  
26 IV-D agency as otherwise required by this chapter. Each  
27 depository created under this section shall fully participate  
28 in the automated child support enforcement collection system  
29 on or before July 1, 1997, and transmit data in a readable  
30 format as required by the contract between the Florida  
31 Association of Court Clerks ~~and Comptrollers~~ and the

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1 ~~department. The department may at its discretion exempt a~~  
2 ~~depository from compliance with full participation in the~~  
3 ~~automated child support enforcement collection system.~~

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

7 a. For each support payment of less than \$33, 18.75  
8 cents.

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

11 c. For each support payment in excess of \$140, 18.75  
12 cents.

13 3. Prior to June 30, 1995, the depositories and the  
14 department shall provide the Legislature with estimates of the  
15 cost of continuing the collection and maintenance of  
16 information required by this act.

17 4. The fees established by this section shall be set  
18 forth and included in every order of support entered by a  
19 court of this state which requires payment to be made into the  
20 depository.

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

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- 1 functions, the depository shall maintain records listing:
- 2       1. The obligor's name, address, social security
- 3 number, place of employment, and any other sources of income.
- 4       2. The obligee's name, address, and social security
- 5 number.
- 6       3. The amount of support due as provided in the court
- 7 order.
- 8       4. The schedule of payment as provided in the court
- 9 order.
- 10       5. The actual amount of each support payment received,
- 11 the date of receipt, the amount disbursed, and the recipient
- 12 of the disbursement.
- 13       6. The unpaid balance of any arrearage due as provided
- 14 in the court order.
- 15       7. Other records as necessary to comply with federal
- 16 reporting requirements.
- 17       (b) The depository may require a payor or obligor to
- 18 complete an information form, which shall request the
- 19 following about the payor or obligor who provides payment by
- 20 check:
- 21       1. Full name, address, and home phone number.
- 22       2. Driver's license number.
- 23       3. Social security number.
- 24       4. Name, address, and business phone number of
- 25 obligor's employer.
- 26       5. Date of birth.
- 27       6. Weight and height.
- 28       7. Such other information as may be required by the
- 29 State Attorney if prosecution for an insufficient check
- 30 becomes necessary.
- 31

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1 If the depository requests such information, and a payor or  
2 obligor does not comply, the depository may refuse to accept  
3 personal checks from the payor or obligor.

4 (c) Parties using the depository for support payments  
5 shall inform the depository of changes in their names or  
6 addresses. An obligor shall, additionally, notify the  
7 depository of all changes in employment or sources of income,  
8 including the payor's name and address, and changes in the  
9 amounts of income received. Notification of all changes shall  
10 be made in writing to the depository within 7 days of a  
11 change.

12 (d) When custody of a child is relinquished by a  
13 custodial parent who is entitled to receive child support  
14 moneys from the depository to a licensed or registered  
15 long-term care child agency, that agency may request from the  
16 court an order directing child support payments which would  
17 otherwise be distributed to the custodial parent be  
18 distributed to the agency for the period of custody of the  
19 child by the agency. Thereafter, payments shall be  
20 distributed to the agency as if the agency were the custodial  
21 parent until further order of the court.

22 (4) The depository shall provide to the IV-D agency,  
23 at least once a month, a listing of IV-D accounts which  
24 identifies all delinquent accounts, the period of delinquency,  
25 and total amount of delinquency. The list shall be in  
26 alphabetical order by name of obligor, shall include the  
27 obligee's name and case number, and shall be provided at no  
28 cost to the IV-D agency.

29 (5) The depository shall accept a support payment  
30 tendered in the form of a check drawn on the account of a  
31 payor or obligor, unless the payor or obligor has previously

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1 remitted a check which was returned to the depository due to  
2 lack of sufficient funds in the account. If the payor or  
3 obligor has had a check returned for this reason, the  
4 depository shall accept payment by cash, cashier's check, or  
5 money order, or may accept a check upon deposit by the payor  
6 or obligor of an amount equal to 1 month's payment. Upon  
7 payment by cash, cashier's check, or money order, the  
8 depository shall disburse the proceeds to the obligee within 2  
9 working days. Payments drawn by check on the account of a  
10 payor or obligor shall be disbursed within 4 working days.  
11 Notwithstanding the provisions of s. 28.243, the administrator  
12 of the depository shall not be personally liable if the check  
13 tendered by the payor or obligor is not paid by the bank.

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

17 (7) The depository shall provide to the Title IV-D  
18 agency the date provided by a payor, as required in s.  
19 61.1301, for each payment received and forwarded to the  
20 agency. If no date is provided by the payor, the depository  
21 shall provide the date of receipt by the depository and shall  
22 report to the Title IV-D agency those payors who fail to  
23 provide the date the deduction was made.

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

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

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

4           (11) The Office of Program Policy Analysis and  
5 Government Accountability shall conduct a program audit of the  
6 central child support enforcement depositories operating  
7 pursuant to this section. This audit shall include, but not  
8 be limited to, an analysis of current and pending federal  
9 requirements for the child support enforcement depository and  
10 a review of the adequacy of the present depository and funds  
11 distribution system to meet those requirements; a cost  
12 analysis of the current system; and a review of all  
13 strategies, including federal reimbursement, distribution of  
14 funds by the local depository, and privatization, to increase  
15 efficiency in payment processing. The audit must be completed  
16 and a report must be submitted to the Senate and the House of  
17 Representatives before December 1, 1996. This subsection  
18 shall not affect the implementation of any other parts of this  
19 section.

20           (12) The Office of Program Policy Analysis and  
21 Government Accountability is directed to evaluate the Dade  
22 County Child Support Enforcement demonstration project  
23 administered by the state attorney for the eleventh judicial  
24 circuit, and the Manatee County Child Support Enforcement  
25 demonstration project administered by the clerk of the circuit  
26 court. The office shall report its findings to the Governor,  
27 the President of the Senate, and the Speaker of the House of  
28 Representatives, no later than January 1, 1999.

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



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

3           (1)(a) The child support guideline amount as  
4 determined by this section presumptively establishes the  
5 amount the trier of fact shall order as child support in an  
6 initial proceeding for such support or in a proceeding for  
7 modification of an existing order for such support, whether  
8 the proceeding arises under this or another chapter. The  
9 trier of fact may order payment of child support which varies,  
10 plus or minus 5 percent, from the guideline amount, after  
11 considering all relevant factors, including the needs of the  
12 child or children, age, station in life, standard of living,  
13 and the financial status and ability of each parent. The  
14 trier of fact may order payment of child support in an amount  
15 which varies more than 5 percent from such guideline amount  
16 only upon a written finding, ~~or a specific finding on the~~  
17 ~~record,~~ explaining why ordering payment of such guideline  
18 amount would be unjust or inappropriate.

19           (8) Health insurance costs resulting from coverage  
20 ordered pursuant to s. 61.13(1)(b), and any noncovered  
21 medical, dental, and prescription medication expenses of the  
22 child, shall be added to the basic obligation unless these  
23 expenses have been ordered to be separately paid on a  
24 percentage basis. After the health insurance costs are added  
25 to the basic obligation, any moneys prepaid by the  
26 noncustodial parent for health-related costs ~~health insurance~~  
27 for the child or children of this action shall be deducted  
28 from that noncustodial parent's child support obligation for  
29 that child or those children.

30           (17) In an initial determination of child support,  
31 whether in a paternity action, dissolution of marriage action,

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1 or petition for support during the marriage, the court has  
2 discretion to award child support retroactive to the date when  
3 the parents did not reside together in the same household with  
4 the child, not to exceed a period of 24 months preceding the  
5 filing of the petition, regardless of whether that date  
6 precedes the filing of the petition. In determining the  
7 retroactive award in such cases, the court shall consider the  
8 following:

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

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

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

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

24 69.041 State named party; lien foreclosure, suit to  
25 quiet title.--

26 (4)(a) The Department of Revenue has the right to  
27 participate in the disbursement of funds remaining in the  
28 registry of the court after distribution pursuant to s.  
29 45.031(7). The department shall participate in accordance with  
30 applicable procedures in any mortgage foreclosure action in  
31 which the department has a duly filed tax warrant, or

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1 interests under a lien arising from a judgment, order, or  
2 decree for child support, against the subject property and  
3 with the same priority, regardless of whether a default  
4 against the department has been entered for failure to file an  
5 answer or other responsive pleading.

6 (b) With respect to a duly filed tax warrant,  
7 paragraph (a) applies only to mortgage foreclosure actions  
8 initiated on or after July 1, 1994, and to those mortgage  
9 foreclosure actions initiated before July 1, 1994, in which no  
10 default has been entered against the Department of Revenue  
11 before July 1, 1994. With respect to mortgage foreclosure  
12 actions initiated based upon interests under a lien arising  
13 from a judgment, order, or decree for child support, paragraph  
14 (a) applies only to mortgage foreclosure actions initiated on  
15 or after July 1, 1998, and to those mortgage foreclosure  
16 actions initiated before July 1, 1998, in which no default has  
17 been entered against the Department of Revenue before July 1,  
18 1998.

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

21 319.24 Issuance in duplicate; delivery; liens and  
22 encumbrances.--

23 (4) If the owner of the motor vehicle or mobile home,  
24 as shown on the title certificate, or the director of the  
25 state child support enforcement program, or the director's  
26 designee, desires to place a second or subsequent lien or  
27 encumbrance against the motor vehicle or mobile home when the  
28 title certificate is in the possession of the first  
29 lienholder, the owner shall send a written request to the  
30 first lienholder by certified mail, and such first lienholder  
31 shall forward the certificate to the department for

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1 endorsement. If the title certificate is in the possession of  
2 the owner, the owner shall forward the certificate to the  
3 department for endorsement. The department shall return the  
4 certificate to either the first lienholder or to the owner, as  
5 indicated in the notice of lien filed by the first lienholder,  
6 after endorsing the second or subsequent lien on the  
7 certificate and on the duplicate. If the first lienholder or  
8 owner fails, neglects, or refuses to forward the certificate  
9 of title to the department within 10 days from the date of the  
10 owner's or the director's or designee's request, the  
11 department, on the written request of the subsequent  
12 lienholder or an assignee thereof, shall demand of the first  
13 lienholder the return of such certificate for the notation of  
14 the second or subsequent lien or encumbrance.

15 Section 7. Subsection (4) of section 319.32, Florida  
16 Statutes, is renumbered as subsection (5), and a new  
17 subsection (4) is added to said section to read:

18 319.32 Fees; service charges; disposition.--

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

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

24 372.561 Issuance of licenses to take wild animal life  
25 or freshwater aquatic life; costs; reporting.--

26 (2) The commission shall issue licenses and permits to  
27 take wild animal life or freshwater aquatic life upon proof by  
28 the applicant for licensure that she or he is entitled to such  
29 license or permit. The commission shall establish the forms  
30 for such licenses and permits. Each applicant for a license,  
31 permit, or authorization shall provide the applicant's social

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1 security number on the application form. Disclosure of social  
2 security numbers obtained through this requirement shall be  
3 limited to the purpose of administration of the Title IV-D  
4 program for child support enforcement and use by the  
5 commission, and as otherwise provided by law.

6 Section 9. The introductory paragraph of section  
7 372.57, Florida Statutes, is amended to read:

8 372.57 Licenses and permits; exemptions; fees.--No  
9 person, except as provided herein, shall take game, freshwater  
10 fish, or fur-bearing animals within this state without having  
11 first obtained a license, permit, or authorization and paid  
12 the fees hereinafter set forth, unless such license is issued  
13 without fee as provided in s. 372.561. Such license, permit,  
14 or authorization shall authorize the person to whom it is  
15 issued to take game, freshwater fish, or fur-bearing animals  
16 in accordance with law and commission rules. Such license,  
17 permit, or authorization is not transferable. Each license or  
18 permit must bear on its face in indelible ink the name of the  
19 person to whom it is issued and other information requested by  
20 the commission. Such license, permit, or authorization issued  
21 by the commission or any agent must be in the personal  
22 possession of the person to whom issued while taking game,  
23 freshwater fish, or fur-bearing animals. The failure of such  
24 person to exhibit such license, permit, or authorization to  
25 the commission or its wildlife officers, when such person is  
26 found taking game, freshwater fish, or fur-bearing animals, is  
27 a violation of law. A positive form of identification is  
28 required when using an authorization, a lifetime license, a  
29 5-year license, or when otherwise required by the license or  
30 permit. The lifetime licenses and 5-year licenses provided  
31 herein shall be embossed with the name, date of birth, the

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1 date of issuance, and other pertinent information as deemed  
2 necessary by the commission. A certified copy of the  
3 applicant's birth certificate shall accompany all applications  
4 for a lifetime license for residents 12 years of age and  
5 younger. Each applicant for a license, permit, or  
6 authorization shall provide the applicant's social security  
7 number on the application form. Disclosure of social security  
8 numbers obtained through this requirement shall be limited to  
9 the purpose of administration of the Title IV-D child support  
10 enforcement program and use by the commission, and as  
11 otherwise provided by law.

12 Section 10. Section 372.574, Florida Statutes, is  
13 amended to read:

14 372.574 Appointment of subagents for the sale of  
15 hunting, fishing, and trapping licenses and permits.--

16 (1) A county tax collector who elects to sell licenses  
17 and permits may appoint any person as a subagent for the sale  
18 of fishing, hunting, and trapping licenses and permits that  
19 the tax collector is allowed to sell. The following are  
20 requirements for subagents:

21 (a) Each subagent must serve at the pleasure of the  
22 county tax collector.

23 (b) Neither an employee of the county tax collector  
24 nor her or his relative or next of kin, by blood or otherwise,  
25 may be appointed as a subagent.

26 (c) The tax collector may require each subagent to  
27 post an appropriate bond as determined by the tax collector,  
28 using an insurance company acceptable to the tax collector.  
29 In lieu of such bond, the tax collector may purchase blanket  
30 bonds covering all or selected subagents or may allow a  
31 subagent to post such other security as is required by the tax

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1 collector.

2 (d) A subagent may sell licenses and permits as are  
3 determined by the tax collector at such specific locations  
4 within the county and in states contiguous to Florida as will  
5 best serve the public interest and convenience in obtaining  
6 licenses and permits. The commission may uniformly prohibit  
7 subagents from selling certain licenses or permits.

8 (e) It is unlawful for any person to handle licenses  
9 or permits for a fee or compensation of any kind unless she or  
10 he has been appointed as a subagent.

11 (f) Any person who willfully violates any of the  
12 provisions of this law is guilty of a misdemeanor of the  
13 second degree, punishable as provided in s. 775.082 or s.  
14 775.083.

15 (g) A subagent may charge and receive as her or his  
16 compensation 50 cents for each license or permit sold. This  
17 charge is in addition to the sum required by law to be  
18 collected for the sale and issuance of each license or permit.

19 (h) A subagent shall submit payment for and report the  
20 sale of licenses and permits to the tax collector as  
21 prescribed by the tax collector but no less frequently than  
22 monthly.

23 (i) Subagents shall submit an activity report, for  
24 sales made during the reporting period on forms prescribed or  
25 approved by the commission. Periodic audits may be performed  
26 at the discretion of the commission.

27 (2) If a tax collector elects not to appoint  
28 subagents, the commission may appoint subagents within that  
29 county. Subagents shall serve at the pleasure of the  
30 commission. The commission may establish, by rule, procedures  
31 for selection of subagents. The following are requirements

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1 for subagents so appointed:

2 (a) The commission may require each subagent to post  
3 an appropriate bond as determined by the commission, using an  
4 insurance company acceptable to the commission. In lieu of  
5 the bond, the commission may purchase blanket bonds covering  
6 all or selected subagents or may allow a subagent to post  
7 other security as required by the commission.

8 (b) A subagent may sell licenses and permits as  
9 authorized by the commission at specific locations within the  
10 county and in states as will best serve the public interest  
11 and convenience in obtaining licenses and permits. The  
12 commission may prohibit subagents from selling certain  
13 licenses or permits.

14 (c) It is unlawful for any person to handle licenses  
15 or permits for a fee or compensation of any kind unless he or  
16 she has been appointed as a subagent.

17 (d) Any person who willfully violates any of the  
18 provisions of this section commits a misdemeanor of the second  
19 degree, punishable as provided in s. 775.082 or s. 775.083.

20 (e) A subagent may charge and receive as his or her  
21 compensation 50 cents for each license or permit sold. This  
22 charge is in addition to the sum required by law to be  
23 collected for the sale and issuance of each license or permit.  
24 In addition, no later than July 1, 1997, a subagent fee for  
25 the sale of licenses over the telephone by credit card shall  
26 be established by competitive bid procedures which are  
27 overseen by the Game and Fresh Water Fish Commission.

28 (f) A subagent shall submit payment for and report the  
29 sale of licenses and permits to the commission as prescribed  
30 by the commission.

31 (g) Subagents shall maintain records of all licenses



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1 and permits sold and all stamps issued, voided, stolen, or  
2 lost. Subagents are responsible to the commission for the  
3 fees for all licenses and permits sold and for the value of  
4 all stamps reported as lost. Subagents must report all stolen  
5 validation stamps to the appropriate law enforcement agency.  
6 The subagent shall submit a written report and a copy of the  
7 law enforcement agency's report to the commission within 5  
8 days after discovering the theft. The value of a lost  
9 validation stamp is \$5.

10 (h) Subagents shall submit an activity report, for  
11 sales made during the reporting period on forms prescribed or  
12 approved by the commission. Periodic audits may be performed  
13 at the discretion of the commission.

14 (i) By July 15 of each year, each subagent shall  
15 submit to the commission all unissued stamps for the previous  
16 year along with a written audit report, on forms prescribed or  
17 approved by the commission, on the numbers of the unissued  
18 stamps.

19 (3) All social security numbers which are provided  
20 pursuant to ss. 372.561 and 372.57 and are contained in  
21 records of any subagent appointed pursuant to this section are  
22 confidential as provided in those sections.

23 Section 11. Subsection (1) of section 382.008, Florida  
24 Statutes, is amended to read:

25 382.008 Death and fetal death registration.--

26 (1) A certificate for each death and fetal death which  
27 occurs in this state shall be filed on a form prescribed by  
28 the department with the local registrar of the district in  
29 which the death occurred within 5 days after such death and  
30 prior to final disposition, and shall be registered by such  
31 registrar if it has been completed and filed in accordance

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1 with this chapter or adopted rules. The certificate shall  
2 include the decedent's social security number, if available.  
3 Disclosure of social security numbers obtained through this  
4 requirement shall be limited to the purpose of administration  
5 of the Title IV-D program for child support enforcement and as  
6 otherwise provided by law.In addition, each certificate of  
7 death or fetal death:

8 (a) If requested by the informant, shall include  
9 aliases or "also known as" (AKA) names of a decedent in  
10 addition to the decedent's name of record. Aliases shall be  
11 entered on the face of the death certificate in the space  
12 provided for name if there is sufficient space. If there is  
13 not sufficient space, aliases may be recorded on the back of  
14 the certificate and shall be considered part of the official  
15 record of death;

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

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

22 Section 12. Section 382.013, Florida Statutes, is  
23 amended to read:

24 382.013 Birth registration.--A certificate for each  
25 live birth that occurs in this state shall be filed within 5  
26 days after such birth with the local registrar of the district  
27 in which the birth occurred and shall be registered by the  
28 local registrar if the certificate has been completed and  
29 filed in accordance with this chapter and adopted rules. The  
30 information regarding registered births shall be used for  
31 comparison with information in the state case registry, as

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1 defined in chapter 61.

2 (1) FILING.--

3 (a) If a birth occurs in a hospital, birth center, or  
4 other health care facility, or en route thereto, the person in  
5 charge of the facility shall be responsible for preparing the  
6 certificate, certifying the facts of the birth, and filing the  
7 certificate with the local registrar. Within 48 hours after  
8 the birth, the physician, midwife, or person in attendance  
9 during or immediately after the delivery shall provide the  
10 facility with the medical information required by the birth  
11 certificate.

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

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

18 2. In the absence of persons described in subparagraph  
19 1., any other person in attendance during or immediately after  
20 the birth.

21 3. In the absence of persons described in subparagraph  
22 2., the father or mother.

23 4. In the absence of the father and the inability of  
24 the mother, the person in charge of the premises where the  
25 birth occurred.

26 (c) If a birth occurs in a moving conveyance and the  
27 child is first removed from the conveyance in this state, the  
28 birth shall be filed and registered in this state and the  
29 place to which the child is first removed shall be considered  
30 the place of birth.

31 (d) At least one of the parents of the child shall

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1 attest to the accuracy of the personal data entered on the  
2 certificate in time to permit the timely registration of the  
3 certificate.

4 (e) If a certificate of live birth is incomplete, the  
5 local registrar shall immediately notify the health care  
6 facility or person filing the certificate and shall require  
7 the completion of the missing items of information if they can  
8 be obtained prior to issuing certified copies of the birth  
9 certificate.

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

15 (2) PATERNITY.--

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

20 (b) If the husband of the mother dies while the mother  
21 is pregnant but before the birth of the child, the name of the  
22 deceased husband shall be entered on the birth certificate as  
23 the father of the child, unless paternity has been determined  
24 otherwise by a court of competent jurisdiction.

25 (c) If the mother is not married at the time of birth,  
26 the name of the father may not be entered on the birth  
27 certificate without the execution of a consenting affidavit  
28 signed by both the mother and the person to be named as the  
29 father. After giving notice orally or through the use of  
30 video or audio equipment, and in writing, of the alternatives  
31 to, the legal consequences of, and the rights, including, if

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1 one parent is a minor, any rights afforded due to minority  
2 status, and responsibilities that arise from signing an  
3 acknowledgment of paternity,the facility shall provide the  
4 mother and the person to be named as the father with the  
5 affidavit, as well as information provided by the Title IV-D  
6 agency established pursuant to s. 409.2557, regarding the  
7 benefits of voluntary establishment of paternity. Upon  
8 request of the mother and the person to be named as the  
9 father, the facility shall assist in the execution of the  
10 affidavit.

11 (d) If the paternity of the child is determined by a  
12 court of competent jurisdiction as provided under s. 382.015,  
13 the name of the father and the surname of the child shall be  
14 entered on the certificate in accordance with the finding and  
15 order of the court. If the court fails to specify a surname  
16 for the child, the surname shall be entered in accordance with  
17 subsection (3).

18 (e) If the father is not named on the certificate, no  
19 other information about the father shall be entered on the  
20 certificate.

21 (3) NAME OF CHILD.--

22 (a) If the mother is married at the time of birth, the  
23 mother and father whose names are entered on the birth  
24 certificate shall select the given names and surname of the  
25 child if both parents have custody of the child, otherwise the  
26 parent who has custody shall select the child's name.

27 (b) If the mother and father whose names are entered  
28 on the birth certificate disagree on the surname of the child  
29 and both parents have custody of the child, the surname  
30 selected by the father and the surname selected by the mother  
31 shall both be entered on the birth certificate, separated by a

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1 hyphen, with the selected names entered in alphabetical order.  
2 If the parents disagree on the selection of a given name, the  
3 given name may not be entered on the certificate until a joint  
4 agreement that lists the agreed upon given name and is  
5 notarized by both parents is submitted to the department, or  
6 until a given name is selected by a court.

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

10 (d) If multiple names of the child exceed the space  
11 provided on the face of the birth certificate they shall be  
12 listed on the back of the certificate. Names listed on the  
13 back of the certificate shall be part of the official record.

14 (e) Unless the child is of undetermined parentage  
15 under subsection (4), the child's given surname or, if the  
16 child's given surname is hyphenated, one of the names in that  
17 hyphenated surname must be the surname of the child's mother  
18 or the child's father as entered on the birth certificate  
19 under subsection (2).

20 (4) UNDETERMINED PARENTAGE.--A birth certificate shall  
21 be registered for every child of undetermined parentage  
22 showing all known or approximate facts relating to the birth.  
23 To assist in later determination, information concerning the  
24 place and circumstances under which the child was found shall  
25 be included on the portion of the birth certificate relating  
26 to marital status and medical details. In the event the child  
27 is later identified to the satisfaction of the department, a  
28 new birth certificate shall be prepared which shall bear the  
29 same number as the original birth certificate, and the  
30 original certificate shall be sealed and filed, shall be  
31 confidential and exempt from the provisions of s. 119.07(1),

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1 and shall not be opened to inspection by, nor shall certified  
2 copies of the same be issued except by court order to, any  
3 person other than the registrant if of legal age.

4 (5) DISCLOSURE.--The original certificate of live  
5 birth shall contain all the information required by the  
6 department for legal, social, and health research purposes.  
7 However, all information concerning parentage, marital status,  
8 and medical details shall be confidential and exempt from the  
9 provisions of s. 119.07(1), except for health research  
10 purposes as approved by the department, nor shall copies of  
11 the same be issued except as provided in s. 382.025.

12 Section 13. Subsection (3) is added to section  
13 409.2557, Florida Statutes, to read:

14 409.2557 State agency for administering child support  
15 enforcement program.--

16 (3) Specific rulemaking authority.-- The department  
17 has the authority to adopt rules pursuant to ss. 120.54 and  
18 120.536(1) to implement all laws administered by the  
19 department in its capacity as the Title IV-D agency for this  
20 state including, but not limited to, the following:

21 (a) background screening of department employees and  
22 applicants, including criminal records checks;

23 (b) confidentiality and retention of department  
24 records; access to records; record requests;

25 (c) department trust funds;

26 (d) federal funding procedures;

27 (e) agreements with law enforcement and other state  
28 agencies; National Crime Information Center (NCIC) access;  
29 Parent Locator Service access;

30 (f) written agreements entered into between the  
31 department and child support obligors in establishment,

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1 enforcement, and modification proceedings;

2 (g) procurement of services by the department, pilot  
3 programs, and demonstration projects;

4 (h) management of cases by the department involving  
5 any documentation or procedures required by federal or state  
6 law, including but not limited to, cooperation; review and  
7 adjustment; audits; interstate actions; diligent efforts for  
8 service of process;

9 (i) department procedures for orders for genetic  
10 testing; subpoenas to establish, enforce or modify orders;  
11 increasing the amount of monthly obligations to secure  
12 delinquent support; suspending or denying driver's and  
13 professional licenses and certificates; fishing and hunting  
14 license suspensions; suspending vehicle and vessel  
15 registrations, screening applicants for new or renewal  
16 licenses, registrations, or certificates; income deduction;  
17 credit reporting and accessing; tax refund intercepts;  
18 passport denials; liens; financial institution data matches;  
19 expedited procedures; medical support; and all other  
20 responsibilities of the department as required by state or  
21 federal law;

22 (j) collection and disbursement of child support and  
23 alimony payments by the department as required by federal law;  
24 collection of genetic testing costs and other costs awarded by  
25 the court;

26 (k) report information to and receive information from  
27 other agencies and entities;

28 (l) provide location services, including accessing  
29 from and reporting to federal and state agencies;

30 (m) privatizing location, establishment, enforcement,  
31 modification and other functions;



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- 1           (n) state case registry;
- 2           (o) state disbursement unit; and
- 3           (p) all other responsibilities of the department as
- 4 required by state or federal law;

5           Section 14. Section 409.2558, Florida Statutes, is

6 created to read:

7           409.2558 Child support distribution and

8 disbursement.--The department shall distribute and disburse

9 child support payments collected in Title IV-D cases in

10 accordance with 42 U.S.C. s. 657 and regulations adopted

11 thereunder by the Secretary of the United States Department of

12 Health and Human Services.

13           Section 15. Section 409.2559, Florida Statutes, is

14 created to read:

15           409.2559 State disbursement unit.--The department

16 shall establish and operate a state disbursement unit by

17 October 1, 1999, as required by 42 U.S.C. s. 654(27).

18           Section 16. Subsection (1) of section 409.2561,

19 Florida Statutes, is amended to read:

20           409.2561 Child support obligations when public

21 assistance is paid ~~Public assistance payments; reimbursement~~

22 of obligation to department; assignment of rights;

23 subrogation; medical and health insurance information.--

24           (1) Any payment of public assistance money made to, or

25 for the benefit of, any dependent child creates an obligation

26 in an amount equal to the amount of public assistance paid. In

27 accordance with 42 U.S.C. s. 657, the state shall retain

28 amounts collected only to the extent necessary to reimburse

29 amounts paid to the family as assistance by the state. If

30 there has been a prior court order or final judgment of

31 dissolution of marriage establishing an obligation of support,

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

23 Section 17. Subsections (8) and (9) of section  
24 409.2564, Florida Statutes, are amended to read:

25 409.2564 Actions for support.--

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

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1           (a) For the purpose of any investigation under this  
2 chapter, any designated employee may administer oaths or  
3 affirmations, subpoena witnesses and compel their attendance,  
4 take evidence and require the production of any matter which  
5 is relevant to the child support enforcement investigation,  
6 including the existence, description, nature, custody,  
7 condition, and location of any books, documents, or other  
8 tangible things and the identity and location of persons  
9 having knowledge of relevant facts or any other matter  
10 reasonably calculated to lead to the discovery of material  
11 evidence.

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

18           1. ~~Imposition of an administrative fine of not more~~  
19 ~~than \$500;~~

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

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

30           (9) In cases in which support is subject to an  
31 assignment as provided under 45 C.F.R. s. 301.1 ~~required under~~

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1 ~~s. 409.2561(2)~~, the Title IV-D agency shall, upon providing  
2 notice to the obligor and obligee, direct the obligor or other  
3 payor to change the payee to the appropriate depository.

4 Section 18. Subsection (1) of section 409.25641,  
5 Florida Statutes, is amended to read:

6 409.25641 Procedures for processing automated  
7 administrative interstate enforcement requests.--

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

18 Section 19. Section 409.25658, Florida Statutes, is  
19 created to read:

20 409.25658 Use of unclaimed property for past-due child  
21 support.--

22 (1) In a joint effort to facilitate the collection and  
23 payment of past-due child support, the Department of Revenue,  
24 in cooperation with the Department of Banking and Finance,  
25 shall identify persons owing child support collected through a  
26 court who are presumed to have abandoned property held by the  
27 Department of Banking and Finance.

28 (2) The department shall periodically provide the  
29 Department of Banking and Finance with an electronic file of  
30 child support obligors who owe past-due child support. The  
31 Department of Banking and Finance shall conduct a data match

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1 of the file against all apparent owners of abandoned property  
2 under chapter 717 and provide the resulting match list to the  
3 department.

4 (3) Upon receipt of the data match list, the  
5 department shall provide to the Department of Banking and  
6 Finance the obligor's last known address. The Department of  
7 Banking and Finance shall follow the notification procedures  
8 under s. 717.118.

9 (4) Prior to paying an obligor's approved claim, the  
10 Department of Banking and Finance shall notify the department  
11 that such claim has been approved. Upon confirmation that the  
12 Department of Banking and Finance has approved the claim, the  
13 department shall immediately send a notice by certified mail  
14 to the obligor, with a copy to the Department of Banking and  
15 Finance, advising the obligor of the department's intent to  
16 intercept the approved claim up to the amount of the past-due  
17 child support, and informing the obligor of the obligor's  
18 right to request a hearing under chapter 120. The Department  
19 of Banking and Finance shall retain custody of the property  
20 until a final order has been entered and any appeals thereon  
21 have been concluded. If the obligor fails to request a  
22 hearing, the department shall enter a final order instructing  
23 the Department of Banking and Finance to transfer to the  
24 department the property in the amount stated in the final  
25 order. Upon such transfer, the Department of Banking and  
26 Finance shall be released from further liability related to  
27 the transferred property.

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

31 Section 20. Section 409.2567, Florida Statutes, is

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1 amended to read:

2           409.2567 Services to individuals not otherwise  
3 eligible.--All child support services provided by the  
4 department shall be made available on behalf of all dependent  
5 children. Services shall be provided upon acceptance of public  
6 assistance or upon proper application filed with the  
7 department. The department shall adopt rules to provide for  
8 the payment of a \$25 application fee from each applicant who  
9 is not a public assistance recipient. The application fee  
10 shall be deposited in the Child Support Enforcement  
11 Application and Program Revenue ~~User Fee~~ Trust Fund within the  
12 Department of Revenue to be used for the Child Support  
13 Enforcement Program. The obligor is responsible for all  
14 administrative costs, as defined in s. 409.2554. The court  
15 shall order payment of administrative costs without requiring  
16 the department to have a member of the bar testify or submit  
17 an affidavit as to the reasonableness of the costs. An  
18 attorney-client relationship exists only between the  
19 department and the legal services providers in Title IV-D  
20 cases. The attorney shall advise the obligee in Title IV-D  
21 cases that the attorney represents the agency and not the  
22 obligee. In Title IV-D cases, any costs, including filing  
23 fees, recording fees, mediation costs, service of process  
24 fees, and other expenses incurred by the clerk of the circuit  
25 court, shall be assessed only against the nonprevailing  
26 obligor after the court makes a determination of the  
27 nonprevailing obligor's ability to pay such costs and fees. In  
28 any case where the court does not award all costs, the court  
29 shall state in the record its reasons for not awarding the  
30 costs. The Department of Revenue shall not be considered a  
31 party for purposes of this section; however, fees may be

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1 assessed against the department pursuant to s. 57.105(1). The  
2 department shall submit a monthly report to the Governor and  
3 the chairs of the Health and Human Services Fiscal  
4 ~~Appropriations~~ Committee of the House of Representatives and  
5 the Ways and Means Committee of the Senate specifying the  
6 funds identified for collection from the noncustodial parents  
7 of children receiving temporary assistance and the amounts  
8 actually collected.

9 Section 21. Subsection (4) is added to section  
10 409.2572, Florida Statutes, to read:

11 409.2572 Cooperation.--

12 (4) The Title IV-D agency shall determine whether an  
13 applicant for or recipient of public assistance for a  
14 dependent child has good cause for failing to cooperate with  
15 the Title IV-D agency as required by this section.

16 Section 22. Section 409.2575, Florida Statutes, is  
17 amended to read:

18 409.2575 Liens on motor vehicles and vessels.--

19 (1) The director of the state IV-D program, or the  
20 director's designee, may cause a lien for unpaid and  
21 delinquent support to be placed upon motor vehicles, as  
22 defined in chapter 320, and upon vessels, as defined in  
23 chapter 327, that are registered in the name of an obligor who  
24 is delinquent in support payments, if the title to the  
25 property is held by a lienholder, in the manner provided in  
26 chapter 319 or chapter 328. Notice of lien shall not be  
27 mailed unless the delinquency in support exceeds \$600.

28 (2) If the first lienholder fails, neglects, or  
29 refuses to forward the certificate of title to the appropriate  
30 department as requested pursuant to s. 319.24 or s. 328.15,  
31 the director of the IV-D program, or the director's designee,

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1 may apply to the circuit court for an order to enforce the  
2 requirements of s. 319.24 or s. 328.15, whichever applies.

3 Section 23. Paragraph (c) of subsection (3) of section  
4 409.2576, Florida Statutes, is amended to read:

5 409.2576 State Directory of New Hires; definitions;  
6 furnishing reports and data; matches to state registry;  
7 service of deduction notices; national registry; disclosure of  
8 information; rulemaking authority.--

9 (3) EMPLOYERS TO FURNISH REPORTS.--

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

18 (9) DISCLOSURE OF INFORMATION.--

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

- 22 1. Any state program funded under part A of Title IV
- 23 of the Social Security Act;
- 24 2. The Medicaid program under Title XIX of the Social
- 25 Security Act;
- 26 3. The unemployment compensation program under s. 3304
- 27 of the Internal Revenue Code of 1954;
- 28 4. The food stamp program under the Food Stamp Act of
- 29 1977; and
- 30 5. Any state program under a plan approved under Title
- 31 I (Old-Age Assistance for the Aged), Title X (Aid to the



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1 Blind), Title XIV (Aid to the Permanently and Totally  
2 Disabled), or Title XVI (Aid to the Aged, Blind, or Disabled;  
3 Supplemental Security Income for the Aged, Blind, and  
4 Disabled) of the Social Security Act.

5 (b) New hire information shall be disclosed to the  
6 state agencies operating employment security and workers'  
7 compensation programs for the purposes of administering such  
8 programs.

9 Section 24. Paragraph (b) of subsection (2) and  
10 subsection (3) of section 409.2578, Florida Statutes, are  
11 amended to read:

12 409.2578 Access to employment information;  
13 administrative fine.--

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

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

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

29 Section 25. Subsections (1), (3), (4), and (5) of  
30 section 409.2579, Florida Statutes, are amended to read:

31 409.2579 Safeguarding Title IV-D case file

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1 information.--

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

7 (a) The administration of the plan or program approved  
8 under part A, part B, part D, part E, or part F of Title IV;  
9 under Title II, Title X, Title XIV, Title XVI, Title XIX, or  
10 Title XX; or under the supplemental security income program  
11 established under Title XVI of the Social Security Act;

12 (b) Any investigation, prosecution, or criminal or  
13 civil proceeding connected with the administration of any such  
14 plan or program;

15 (c) The administration of any other federal or  
16 federally assisted program which provides service or  
17 assistance, in cash or in kind, directly to individuals on the  
18 basis of need; ~~and~~

19 (d) Reporting to an appropriate agency or official,  
20 information on known or suspected instances of physical or  
21 mental injury, child abuse, sexual abuse or exploitation, or  
22 negligent treatment or maltreatment of a child who is the  
23 subject of a child support enforcement activity under  
24 circumstances which indicate that the child's health or  
25 welfare is threatened thereby; and—

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

29 (3) As required by federal law, 42 U.S.C. s. 654(26),  
30 upon notice that such an order exists, the IV-D program shall  
31 not disclose information on the whereabouts of one party or

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1 the child to the other party against whom a protective order  
2 with respect to the former party or the child has been  
3 entered.

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

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

13 (6) Any person who willfully and knowingly violates  
14 any of the provisions of this section is guilty of a  
15 misdemeanor of the first degree punishable as provided in s.  
16 775.082 or s. 775.083.

17 Section 26. Subsection (7) of section 414.095, Florida  
18 Statutes, is amended to read:

19 414.095 Determining eligibility for the WAGES  
20 Program.--

21 (7) CHILD SUPPORT ENFORCEMENT.--As a condition of  
22 eligibility for public ~~temporary cash~~ assistance, the family  
23 must cooperate with the state agency responsible for  
24 administering the child support enforcement program in  
25 establishing the paternity of the child, if the child is born  
26 out of wedlock, and in obtaining support for the child or for  
27 the parent or caretaker relative and the child. Cooperation is  
28 defined as:

29 (a) Assisting in identifying and locating a  
30 noncustodial parent and providing complete and accurate  
31 information on that parent;

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- 1 (b) Assisting in establishing paternity; and
- 2 (c) Assisting in establishing, modifying, or enforcing
- 3 a support order with respect to a child of a family member.

4

5 This subsection does not apply if the state agency that  
 6 administers the child support enforcement program determines  
 7 that the parent or caretaker relative has good cause for  
 8 failing to cooperate.

9 Section 27. Paragraph (a) of subsection (1) of section  
 10 414.32, Florida Statutes, is amended to read:

11 414.32 Prohibitions and restrictions with respect to  
 12 food stamps.--

13 (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT  
 14 AGENCY.--

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

28 Section 28. Paragraph (b) of subsection (3) of section  
 29 443.051, Florida Statutes, is amended to read:

30 443.051 Benefits not alienable; exception, child  
 31 support intercept.--

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

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

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

7 2. The amount determined pursuant to an agreement  
8 submitted to the division under s. 454(20)(B)(i) of the Social  
9 Security Act by the state or local child support enforcement  
10 agency; or

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

15 Section 29. Subsection (2) of section 443.1715,  
16 Florida Statutes, is amended to read:

17 443.1715 Disclosure of information; confidentiality.--

18 (2) DISCLOSURE OF INFORMATION.--Subject to such  
19 restrictions as the division prescribes by rule, information  
20 declared confidential under this section may be made available  
21 to any agency of this or any other state, or any federal  
22 agency, charged with the administration of any unemployment  
23 compensation law or the maintenance of a system of public  
24 employment offices, or the Bureau of Internal Revenue of the  
25 United States Department of the Treasury, or the Florida  
26 Department of Revenue and information obtained in connection  
27 with the administration of the employment service may be made  
28 available to persons or agencies for purposes appropriate to  
29 the operation of a public employment service or a  
30 job-preparatory or career education or training program. The  
31 division shall on a quarterly basis, furnish the National

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

24 Section 30. Subsection (9) of section 455.213, Florida  
25 Statutes, is amended to read:

26 455.213 General licensing provisions.--

27 (9) Pursuant to the federal Personal Responsibility  
28 and Work Opportunity Reconciliation Act of 1996, each party is  
29 required to provide his or her social security number in  
30 accordance with this section. Disclosure of social security  
31 numbers obtained through this requirement shall be limited to

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1 the purpose of administration of the Title IV-D program for  
2 child support enforcement and use by the Department of  
3 Business and Professional Regulation, and as otherwise  
4 provided by law.

5 Section 31. Section 741.04, Florida Statutes, is  
6 amended to read:

7 741.04 Marriage license issued.--No county court judge  
8 or clerk of the circuit court in this state shall issue a  
9 license for the marriage of any person unless there shall be  
10 first presented and filed with him or her an affidavit in  
11 writing, signed by both parties to the marriage, providing the  
12 social security numbers or other identification numbers of  
13 each party, made and subscribed before some person authorized  
14 by law to administer an oath, reciting the true and correct  
15 ages of such parties; unless both such parties shall be over  
16 the age of 18 years, except as provided in s. 741.0405; and  
17 unless one party is a male and the other party is a female.  
18 Pursuant to the federal Personal Responsibility and Work  
19 Opportunity Reconciliation Act of 1996, each party is required  
20 to provide his or her social security number in accordance  
21 with this section. However, when an individual is not a  
22 citizen of the United States and does not have a social  
23 security number, alien registration documentation, or other  
24 proof of immigration registration from the United States  
25 Immigration and Naturalization Service that contains the  
26 individual's alien admission number or alien file number, or  
27 such other documents as the state determines constitutes  
28 reasonable evidence indicating a satisfactory immigration  
29 status, shall be provided in lieu of the social security  
30 number. Disclosure of social security numbers or other  
31 identification numbers obtained through this requirement shall

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

3 Section 32. Subsection (2) of section 742.032, Florida  
4 Statutes, is amended to read:

5 742.032 Filing of location information.--

6 (2) Beginning July 1, 1997, in any subsequent Title  
7 IV-D child support enforcement action between the parties,  
8 upon sufficient showing that diligent effort has been made to  
9 ascertain the location of such a party, the court of competent  
10 jurisdiction shall ~~tribunal may~~ deem state due process

11 requirements for notice and service of process to be met with  
12 respect to the party upon delivery of written notice to the  
13 most recent residential or employer address filed with the  
14 tribunal and State Case Registry under subsection (1).

15 Beginning October 1, 1998, in any subsequent non-Title IV-D  
16 child support enforcement action between the parties, the same  
17 requirements for service shall apply.

18 Section 33. Subsection (6) of section 61.14, Florida  
19 Statutes, is amended to read:

20 61.14 Enforcement and modification of support,  
21 maintenance, or alimony agreements or orders.--

22 (6)(a)1. When support payments are made through the  
23 local depository, any payment or installment of support which  
24 becomes due and is unpaid under any support order is  
25 delinquent; and this unpaid payment or installment, and all  
26 other costs and fees herein provided for, become, after notice  
27 to the obligor and the time for response as set forth in this  
28 subsection, a final judgment by operation of law, which has  
29 the full force, effect, and attributes of a judgment entered  
30 by a court in this state for which execution may issue. No  
31 deduction shall be made by the local depository from any



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1 payment made for costs and fees accrued in the judgment by  
2 operation of law process under paragraph (b) until the total  
3 amount of support payments due the obligee under the judgment  
4 has been paid.

5           2. A certified copy of the support order and a  
6 certified statement by the local depository evidencing a  
7 delinquency in support payments constitute evidence of the  
8 final judgment under this paragraph.

9           3. The judgment under this paragraph is a final  
10 judgment as to any unpaid payment or installment of support  
11 which has accrued up to the time either party files a motion  
12 with the court to alter or modify the support order, and such  
13 judgment may not be modified by the court. The court may  
14 modify such judgment as to any unpaid payment or installment  
15 of support which accrues after the date of the filing of the  
16 motion to alter or modify the support order. This  
17 subparagraph does not prohibit the court from providing relief  
18 from the judgment pursuant to Florida Rule of Civil Procedure  
19 1.540.

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

23           a. The delinquency and its amount.

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

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

31           d. The local depository's authority to release

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1 information regarding the delinquency to one or more credit  
2 reporting agencies.

3           2. The local depository shall serve the notice by  
4 mailing it by first class mail to the obligor at his or her  
5 last address of record with the local depository. If the  
6 obligor has no address of record with the local depository,  
7 service shall be by publication as provided in chapter 49.

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

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

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

26           (e) If the obligor fails to file a motion to contest  
27 the impending judgment within the time limit prescribed in  
28 paragraph (c) and fails to pay the amount of the delinquency  
29 and all other amounts which thereafter become due, together  
30 with costs and a fee of \$5, such amounts become a final  
31 judgment by operation of law against the obligor at the

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1 expiration of the time for filing a motion to contest the  
2 impending judgment.

3 (f)1. Upon request of any person, the local depository  
4 shall issue, upon payment of a fee of \$5, a payoff statement  
5 of the total amount due under the judgment at the time of the  
6 request. The statement may be relied upon by the person for up  
7 to 30 days from the time it is issued unless proof of  
8 satisfaction of the judgment is provided.

9 2. When the depository records show that the obligor's  
10 account is current, the depository shall record a satisfaction  
11 of the judgment upon request of any interested person and upon  
12 receipt of the appropriate recording fee. Any person shall be  
13 entitled to rely upon the recording of the satisfaction.

14 3. The local depository, at the direction of the  
15 department, or the obligee in a non-IV-D case, may partially  
16 release the judgment as to specific real property, and the  
17 depository shall record a partial release upon receipt of the  
18 appropriate recording fee.

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

23 Section 34. Section 61.046, Florida Statutes, is  
24 amended to read:

25 61.046 Definitions.--As used in this chapter:

26 (1) "Business day" means any day other than a  
27 Saturday, Sunday, or legal holiday.

28 (2) "Clerk of Court Child Support Collection System"  
29 or "CLERC System" means the automated system established  
30 pursuant to s. 61.181(2)(b)1., integrating all clerks of court  
31 and depositories and through which payment data and State Case

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1 Registry data is transmitted to the department's automated  
2 child support enforcement system.

3 (3)(1) "Custodial parent" or "primary residential  
4 parent" means the parent with whom the child maintains his or  
5 her primary residence.

6 (4)(2) "Department" means the Department of Revenue.

7 (5)(3) "Depository" means the central governmental  
8 depository established pursuant to s. 61.181, created by  
9 special act of the Legislature or other entity established  
10 before June 1, 1985, to perform depository functions and to  
11 receive, record, report, disburse, monitor, and otherwise  
12 handle alimony and child support payments not otherwise  
13 required to be processed by the State Disbursement Unit.

14 (6) "Federal Case Registry of Child Support Orders"  
15 means the automated registry of support order abstracts and  
16 other information established and maintained by the United  
17 States Department of Health and Human Services as provided by  
18 42 U.S.C. s. 653(h).

19 (7)(4) "Income" means any form of payment to an  
20 individual, regardless of source, including, but not limited  
21 to: wages, salary, commissions and bonuses, compensation as an  
22 independent contractor, worker's compensation, disability  
23 benefits, annuity and retirement benefits, pensions,  
24 dividends, interest, royalties, trusts, and any other  
25 payments, made by any person, private entity, federal or state  
26 government, or any unit of local government. United States  
27 Department of Veterans Affairs disability benefits and  
28 unemployment compensation, as defined in chapter 443, are  
29 excluded from this definition of income except for purposes of  
30 establishing an amount of support.

31 (8)(5) "IV-D" means services provided pursuant to

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1 Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et  
2 seq s. 1302.

3 (9)(6) "Local officer" means an elected or appointed  
4 constitutional or charter government official including, but  
5 not limited to, the state attorney and clerk of the circuit  
6 court.

7 (10)(7) "Noncustodial parent" means the parent with  
8 whom the child does not maintain his or her primary residence.

9 (11)(8) "Obligee" means the person to whom payments  
10 are made pursuant to an order establishing, enforcing, or  
11 modifying an obligation for alimony, for child support, or for  
12 alimony and child support.

13 (12)(9) "Obligor" means a person responsible for  
14 making payments pursuant to an order establishing, enforcing,  
15 or modifying an obligation for alimony, for child support, or  
16 for alimony and child support.

17 (13)(10) "Payor" means an employer or former employer  
18 or any other person or agency providing or administering  
19 income to the obligor.

20 (14)(11) "Shared parental responsibility" means a  
21 court-ordered relationship in which both parents retain full  
22 parental rights and responsibilities with respect to their  
23 child and in which both parents confer with each other so that  
24 major decisions affecting the welfare of the child will be  
25 determined jointly.

26 (15)(12) "Sole parental responsibility" means a  
27 court-ordered relationship in which one parent makes decisions  
28 regarding the minor child.

29 (16)(13) "State Case Registry" means the automated a  
30 registry maintained by the Title IV-D agency, containing  
31 records of each Title IV-D case and of each support order

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1 established or modified in the state on or after October 1,  
2 1998. Such records shall consist of data elements as required  
3 by the United States Secretary of Health and Human Services.  
4 ~~for information related to paternity and child support orders~~  
5 ~~for Title IV-D. Beginning October 1, 1998, information~~  
6 ~~related to non-Title IV-D cases established or modified in the~~  
7 ~~state shall be maintained in the registry.~~

8 (17) "State Disbursement Unit" means the unit  
9 established and operated by the Title IV-D agency to provide  
10 one central address for collection and disbursement of child  
11 support payments made in cases enforced by the department  
12 pursuant to Title IV-D of the Social Security Act and in cases  
13 not being enforced by the department in which the support  
14 order was initially issued in this state on or after January  
15 1, 1994, and in which the obligor's child support obligation  
16 is being paid through income deduction order.

17 (18) "Support order" means a judgment, decree, or  
18 order, whether temporary or final, issued by a court of  
19 competent jurisdiction for the support and maintenance of a  
20 child which provides for monetary support, health care,  
21 arrearages, or past support.

22 Section 35. Subsections (1) and (2) and paragraph (a)  
23 of subsection (3) of section 61.181, Florida Statutes, are  
24 amended to read:

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

28 (1) The office of the clerk of the court shall operate  
29 a depository unless the depository is otherwise created by  
30 special act of the Legislature or unless, prior to June 1,  
31 1985, a different entity was established to perform such

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1 functions. The department shall, no later than July 1, 1998,  
2 extend participation in the federal child support cost  
3 reimbursement program to the central depository in each  
4 county, to the maximum extent possible under existing federal  
5 law. The depository shall receive reimbursement for services  
6 provided under a cooperative agreement with the department  
7 pursuant to s. 61.1826. Each depository shall participate in  
8 the State Disbursement Unit and shall implement all statutory  
9 and contractual duties imposed on the State Disbursement Unit.  
10 Each depository shall receive from and transmit to the State  
11 Disbursement Unit required data through the Clerk of Court  
12 Child Support Enforcement Collection System. Payments on  
13 non-Title IV-D cases without income deduction orders shall not  
14 be sent to the State Disbursement Unit as provided by federal  
15 law.

16 (2)(a) For payments not required to be processed  
17 through the State Disbursement Unit, the depository shall  
18 impose and collect a fee on each payment made for receiving,  
19 recording, reporting, disbursing, monitoring, or handling  
20 alimony or child support payments as required under this  
21 section, which fee shall be a flat fee based, to the extent  
22 practicable, upon estimated reasonable costs of operation.  
23 The fee shall be reduced in any case in which the fixed fee  
24 results in a charge to any party of an amount greater than 3  
25 percent of the amount of any support payment made in  
26 satisfaction of the amount which the party is obligated to  
27 pay, except that no fee shall be less than \$1 nor more than \$5  
28 per payment made. The fee shall be considered by the court in  
29 determining the amount of support that the obligor is, or may  
30 be, required to pay.

31 (b)1. For the period of July 1, 1992, through June 30,

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1 2002 ~~1999~~, the fee imposed in paragraph (a) shall be increased  
2 to 4 percent of the support payments which the party is  
3 obligated to pay, except that no fee shall be more than \$5.25.  
4 The fee shall be considered by the court in determining the  
5 amount of support that the obligor is, or may be, required to  
6 pay. Notwithstanding the provisions of s. 145.022, 75 percent  
7 of the additional revenues generated by this paragraph shall  
8 be remitted monthly to the Clerk of the Court Child Support  
9 Enforcement Collection System Trust Fund administered by the  
10 department as provided in subparagraph 2. These funds shall  
11 be used exclusively for the development, implementation, and  
12 operation of the Clerk of the Court ~~an automated~~ Child Support  
13 Enforcement Collection ~~Collections~~ System to be operated by  
14 the depositories, including the automation of civil case  
15 information necessary for the State Case Registry. The  
16 department shall contract with the Florida Association of  
17 Court Clerks ~~and Comptrollers~~ and the depositories to design,  
18 establish, operate, upgrade, and maintain the automation of  
19 the depositories to include, but not be limited to, the  
20 provision of on-line electronic transfer of information to the  
21 IV-D agency as otherwise required by this chapter. The  
22 department's obligation to fund the automation of the  
23 depositories is limited to the state share of funds available  
24 in the Clerk of the Court Child Support Enforcement Collection  
25 System Trust Fund. Each depository created under this section  
26 shall fully participate in the Clerk of the Court ~~automated~~  
27 Child Support Enforcement Collection System ~~on or before July~~  
28 ~~1, 1997~~, and transmit data in a readable format as required by  
29 the contract between the Florida Association of Court Clerks  
30 ~~and Comptrollers~~ and the department. ~~The department may at~~  
31 ~~its discretion exempt a depository from compliance with full~~



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1 ~~participation in the automated child support enforcement~~  
2 ~~collection system.~~

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

6           a. For each support payment of less than \$33, 18.75  
7 cents.

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

10           c. For each support payment in excess of \$140, 18.75  
11 cents.

12           3. Prior to June 30, 1995, the depositories and the  
13 department shall provide the Legislature with estimates of the  
14 cost of continuing the collection and maintenance of  
15 information required by this act.

16           4. The fees established by this section shall be set  
17 forth and included in every order of support entered by a  
18 court of this state which requires payment to be made into the  
19 depository.

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

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- 1 and distribution functions, the depository shall maintain  
2 records listing:
- 3 1. The obligor's name, address, social security  
4 number, place of employment, and any other sources of income.
  - 5 2. The obligee's name, address, and social security  
6 number.
  - 7 3. The amount of support due as provided in the court  
8 order.
  - 9 4. The schedule of payment as provided in the court  
10 order.
  - 11 5. The actual amount of each support payment received,  
12 the date of receipt, the amount disbursed, and the recipient  
13 of the disbursement.
  - 14 6. The unpaid balance of any arrearage due as provided  
15 in the court order.
  - 16 7. Other records as necessary to comply with federal  
17 reporting requirements.

18 Section 36. Section 61.1824, Florida Statutes, is  
19 created to read:

20 61.1824 State Disbursement Unit.--

21 (1) The State Disbursement Unit is hereby created and  
22 shall be operated by the Department of Revenue or by a  
23 contractor responsible directly to the department. The State  
24 Disbursement Unit shall be responsible for the collection and  
25 disbursement of payments for:

26 (a) All child support cases enforced by the department  
27 pursuant to Title IV-D of the Social Security Act; and

28 (b) All child support cases not being enforced by the  
29 department pursuant to Title IV-D of the Social Security Act  
30 in which the initial support order was issued in this state on  
31 or after January 1, 1994, and in which the obligor's child

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1 support obligation is being paid through income deduction.

2 (2) The State Disbursement Unit must be operated in  
3 coordination with the department's child support enforcement  
4 automated system in Title IV-D cases.

5 (3) The State Disbursement Unit shall perform the  
6 following functions:

7 (a) Disburse all receipts from intercepts, including,  
8 but not limited to, United States Internal Revenue Service,  
9 unemployment compensation, lottery, and administrative offset  
10 intercepts.

11 (b) Provide employers and payors with one address to  
12 which all income deduction collections are sent.

13 (c) When there is more than one income deduction order  
14 being enforced against the same obligor by the payor, allocate  
15 the amounts available for income deduction in the manner set  
16 forth in s. 61.1301.

17 (d) To the extent feasible, use automated procedures  
18 for the collection and disbursement of support payments,  
19 including, but not limited to, having procedures for:

20 1. Receipt of payments from obligors, employers, other  
21 states and jurisdictions, and other entities.

22 2. Timely disbursement of payments to obligees, the  
23 department, and other state Title IV-D agencies.

24 3. Accurate identification of payment source and  
25 amount.

26 4. Furnishing any parent, upon request, timely  
27 information on the current status of support payments under an  
28 order requiring payments to be made by or to the parent,  
29 except that in cases described in paragraph (1)(b), prior to  
30 the date the State Disbursement Unit becomes fully  
31 operational, the State Disbursement Unit shall not be required

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1 to convert and maintain in automated form records of payments  
2 kept pursuant to s. 61.181.

3 (e) Information regarding disbursement must be  
4 transmitted in the following manner:

5 1. In Title IV-D cases, the State Disbursement Unit  
6 shall transmit, in an electronic format as prescribed by the  
7 department, all required information to the department on the  
8 same business day the information is received from the  
9 employer or other source of periodic income, if sufficient  
10 information identifying the payee is provided. The department  
11 shall determine distribution allocation of a collection and  
12 shall electronically transmit that information to the State  
13 Disbursement Unit, whereupon the State Disbursement Unit shall  
14 disburse the collection. The State Disbursement Unit may delay  
15 the disbursement of payments toward arrearages until the  
16 resolution of any timely appeal with respect to such  
17 arrearages. The State Disbursement Unit may delay the  
18 disbursement of Title IV-D collections until authorization by  
19 the Title IV-D agency has been received.

20 2. In non-Title IV-D cases payment information is not  
21 transmitted to the department. The State Disbursement Unit may  
22 delay the disbursement of payments toward arrearages until the  
23 resolution of any timely appeal with respect to such  
24 arrearages.

25 (f) Reconcile all cash receipts and all disbursements  
26 daily and provide the department with a daily reconciliation  
27 report in a format as prescribed by the department.

28 (g) Disburse child support payments to foreign  
29 countries as may be required.

30 (h) Receive and convert child support payments made in  
31 foreign currency.

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1           (i) Remit to the department payments for costs due the  
2 department.

3           (j) Handle insufficient funds payments, claims of lost  
4 or stolen checks, and stop payment orders.

5           (k) Issue billing notices and statements of account,  
6 in accordance with federal requirements, in a format and  
7 frequency prescribed by the department to persons who pay and  
8 receive child support in Title IV-D cases.

9           (l) Provide the department with a weekly report that  
10 summarizes and totals all financial transaction activity.

11           (m) Provide toll-free access to customer assistance  
12 representatives and an automated voice response system that  
13 will enable the parties to a child support case to obtain  
14 payment information.

15           (4) For cases in which the obligor or payor fails to  
16 submit payment directly to the central address provided by the  
17 State Disbursement Unit, the depositories shall have  
18 procedures for accepting a support payment tendered in the  
19 form of cash or a check drawn on the account of a payor or  
20 obligor, unless the payor or obligor has previously remitted a  
21 check which was returned to the depository due to lack of  
22 sufficient funds in the account. If the payor or obligor has  
23 had a check returned for this reason, the depository shall  
24 accept payment by cash, cashier's check, or money order, or  
25 may accept a check upon deposit by the payor or obligor of an  
26 amount equal to 1 month's payment. Upon payment by cash,  
27 cashier's check, or money order, the depository shall remit  
28 the payment to the State Disbursement Unit within 1 business  
29 day after receipt.

30           (5) Obligees receiving payments through the State  
31 Disbursement Unit shall inform the State Disbursement Unit of

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1 changes in their names and addresses. Notification of all  
2 changes must be made directly to the State Disbursement Unit  
3 within 7 business days after a change. In Title IV-D cases,  
4 the State Disbursement Unit shall transmit the information to  
5 the department, in an electronic format prescribed by the  
6 department, within 1 business day after receipt.

7 Section 37. Section 61.1825, Florida Statutes, is  
8 created to read:

9 61.1825 State Case Registry.--

10 (1) The Department of Revenue or its agent shall  
11 operate and maintain a State Case Registry as provided by 42  
12 U.S.C. s. 654A. The State Case Registry must contain records  
13 for:

14 (a) Each case in which services are being provided by  
15 the department as the state's Title IV-D agency; and

16 (b) By October 1, 1998, each support order established  
17 or modified in the state on or after October 1, 1998, in which  
18 services are not being provided by the Title IV-D agency.

19  
20 The department shall maintain that part of the State Case  
21 Registry that includes support order information for Title  
22 IV-D cases on the department's child support enforcement  
23 automated system.

24 (2) By October 1, 1998, for each support order  
25 established or modified by a court of this state on or after  
26 October 1, 1998, the depository for the court that enters the  
27 support order in a non-Title IV-D case shall provide, in an  
28 electronic format prescribed by the department, the following  
29 information to that component of the State Case Registry that  
30 receives, maintains, and transmits support order information  
31 for non-Title IV-D cases:

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- 1           (a) The name of the obligor, obligee, and child or  
2 children;
- 3           (b) The social security number of the obligor,  
4 obligee, and child or children;
- 5           (c) The date of birth of the obligor, obligee, and  
6 child or children;
- 7           (d) Whether a family violence indicator is present or  
8 if a court order has been entered against a party in a  
9 domestic violence or protective action;
- 10          (e) The date the support order was established or  
11 modified;
- 12          (f) The case identification number, which is the  
13 two-digit numeric county code followed by the civil circuit  
14 case number;
- 15          (g) The federal information processing system numeric  
16 designation for the county and state where the support order  
17 was established or modified; and
- 18          (h) Any other data as may be required by the United  
19 States Secretary of Health and Human Services.
- 20          (3) The depository, using standardized data elements,  
21 shall provide the support order information required by  
22 subsection (2) to the entity that maintains the non-Title IV-D  
23 support order information for the State Case Registry at a  
24 frequency and in a format prescribed by the department.
- 25          (4) The entity that maintains State Case Registry  
26 information for non-Title IV-D cases shall make the  
27 information available to the department in a readable and  
28 searchable electronic format that is compatible with the  
29 department's automated child support enforcement system.
- 30          (5) State Case Registry information must be  
31 transmitted electronically to the Federal Case Registry of

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1 Child Support Orders by the department in a manner and  
2 frequency prescribed by the United States Secretary of Health  
3 and Human Services.

4 Section 38. Section 61.1826, Florida Statutes, is  
5 created to read:

6 61.1826 Procurement of services for State Disbursement  
7 Unit and the non-Title IV-D component of the State Case  
8 Registry; contracts and cooperative agreements; penalties;  
9 withholding payment.--

10 (1) LEGISLATIVE FINDINGS.--The Legislature finds that  
11 the clerks of court play a vital role, as essential  
12 participants in the establishment, modification, collection,  
13 and enforcement of child support, in securing the health,  
14 safety, and welfare of the children of this state. The  
15 Legislature further finds and declares that:

16 (a) It is in the state's best interest to preserve the  
17 essential role of the clerks of court in disbursing child  
18 support payments and maintaining official records of child  
19 support orders entered by the courts of this state.

20 (b) As official recordkeeper for matters relating to  
21 court-ordered child support, the clerks of court are necessary  
22 parties to obtaining, safeguarding, and providing child  
23 support payment and support order information.

24 (c) As provided by the Federal Personal Responsibility  
25 and Work Opportunity Reconciliation Act of 1996, the state  
26 must establish and operate a State Case Registry in full  
27 compliance with federal law by October 1, 1998, and a State  
28 Disbursement Unit by October 1, 1999.

29 (d) Noncompliance with federal law could result in a  
30 substantial loss of federal funds for the state's child  
31 support enforcement program and the temporary assistance for



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1 needy families welfare block grant.

2 (e) The potential loss of substantial federal funds  
3 poses a direct and immediate threat to the health, safety, and  
4 welfare of the children and citizens of the state and  
5 constitutes an emergency for purposes of s. 287.057(3)(a).

6 (f) The clerks of court maintain the official payment  
7 record of the court for amounts received, payments credited,  
8 arrearages owed, liens attached, and current mailing addresses  
9 of all parties, payor, obligor, and payee.

10 (g) The clerks of court have established a statewide  
11 Clerk of Court Child Support Enforcement Collection System for  
12 the automation of all payment processing using state and local  
13 government funds as provided under s. 61.181(2)(b)1.

14 (h) The Legislature acknowledges the improvements made  
15 by and the crucial role of the Clerk of the Court Child  
16 Support Enforcement Collection System in speeding payments to  
17 the children of Florida.

18 (i) There is no viable alternative to continuing the  
19 role of the clerks of court in collecting, safeguarding, and  
20 providing essential child support payment information.

21  
22 For these reasons, the Legislature hereby directs the  
23 Department of Revenue, subject to the provisions of subsection  
24 (6), to contract with the Florida Association of Court Clerks  
25 and each depository to perform duties with respect to the  
26 operation and maintenance of a State Disbursement Unit and the  
27 non-Title IV-D component of the State Case Registry as further  
28 provided by this section.

29 (2) COOPERATIVE AGREEMENTS.--Each depository shall  
30 enter into a standard cooperative agreement with the  
31 department for participation in the State Disbursement Unit

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1 and the non-Title IV-D component of the State Case Registry  
2 through the Clerk of Court Child Support Enforcement  
3 Collection System within 60 days after the effective date of  
4 this section. The cooperative agreement shall be a uniform  
5 document, mutually developed by the department and the Florida  
6 Association of Court Clerks, that applies to all depositories  
7 and complies with all state and federal requirements. Each  
8 depository shall also enter into a written agreement with the  
9 Florida Association of Court Clerks and the department within  
10 60 days after the effective date of this section that requires  
11 each depository to participate fully in the State Disbursement  
12 Unit and the non-Title IV-D component of the State Case  
13 Registry.

14 (3) CONTRACT.--The Florida Association of Court Clerks  
15 shall enter into a written contract with the department that  
16 fully complies with all federal and state laws within 60 days  
17 after the effective date of this section. The contract shall  
18 be mutually developed by the department and the Florida  
19 Association of Court Clerks. As required by s. 287.057 and 45  
20 C.F.R. s. 74.43, any subcontracts entered into by the Florida  
21 Association of Court Clerks, except for a contract between the  
22 Florida Association of Court Clerks and its totally owned  
23 subsidiary corporation, must be procured through competitive  
24 bidding.

25 (4) COOPERATIVE AGREEMENT AND CONTRACT TERMS.--The  
26 contract between the Florida Association of Court Clerks and  
27 the department, and cooperative agreements entered into by the  
28 depositories and the department, must contain, but are not  
29 limited to, the following terms:

30 (a) The initial term of the contract and cooperative  
31 agreements is for 5 years. The subsequent term of the contract

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1 and cooperative agreements is for 3 years, with the option of  
2 two 1-year renewal periods, at the sole discretion of the  
3 department.

4 (b) The duties and responsibilities of the Florida  
5 Association of Court Clerks, the depositories, and the  
6 department.

7 (c) Under s. 287.058(1)(a), all providers and  
8 subcontractors shall submit to the department directly, or  
9 through the Florida Association of Court Clerks, a report of  
10 monthly expenditures in a format prescribed by the department  
11 and in sufficient detail for a proper preaudit and postaudit  
12 thereof.

13 (d) All providers and subcontractors shall submit to  
14 the department directly, or through the Florida Association of  
15 Court Clerks, management reports in a format prescribed by the  
16 department.

17 (e) All subcontractors shall comply with chapter 280,  
18 as may be required.

19 (f) Federal financial participation for eligible Title  
20 IV-D expenditures incurred by the Florida Association of Court  
21 Clerks and the depositories shall be at the maximum level  
22 permitted by federal law for expenditures incurred for the  
23 provision of services in support of child support enforcement  
24 in accordance with 45 C.F.R., part 74 and Federal Office of  
25 Management and Budget Circulars A-87 and A-122 and based on an  
26 annual cost allocation study of each depository. The  
27 depositories shall submit directly, or through the Florida  
28 Association of Court Clerks, claims for Title IV-D  
29 expenditures monthly to the department in a standardized  
30 format as prescribed by the department. The Florida  
31 Association of Court Clerks shall contract with a certified

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1 public accounting firm, selected by the Florida Association of  
2 Court Clerks and the department, to audit and certify  
3 quarterly to the department all claims for expenditures  
4 submitted by the depositories for Title IV-D reimbursement.

5 (g) Upon termination of the contracts between the  
6 department and the Florida Association of Court Clerks or the  
7 depositories, the Florida Association of Court Clerks, its  
8 agents, and the depositories shall assist the department in  
9 making an orderly transition to a private vendor.

10 (h) Interest on late payment by the department shall  
11 be in accordance with s. 215.422.

12

13 If either the department or the Florida Association of Court  
14 Clerks objects to a term of the standard cooperative agreement  
15 or contract specified in subsections (2) and (3), the disputed  
16 term or terms shall be presented jointly by the parties to the  
17 Attorney General or the Attorney General's designee, who shall  
18 act as special master. The special master shall resolve the  
19 dispute in writing within 10 days. The resolution of a dispute  
20 by the special master is binding on the department and the  
21 Florida Association of Court Clerks.

22 (5) PERFORMANCE REVIEWS.--As provided by this  
23 subsection, the Office of Program Policy Analysis and  
24 Government Accountability shall conduct comprehensive  
25 performance reviews of the State Disbursement Unit and State  
26 Case Registry. In addition to the requirements of chapter 11,  
27 the review must include, but not be limited to, an analysis of  
28 state and federal requirements, the effectiveness of the  
29 current system in meeting those requirements; a cost analysis  
30 of the State Disbursement Unit and the non-Title IV-D  
31 component of the State Case Registry; a review and comparison

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1 of available alternative methodologies as utilized by other  
2 states; and a review of all strategies, including  
3 privatization, to increase the efficiency and cost  
4 effectiveness of the State Disbursement Unit and the non-Title  
5 IV-D component of the State Case Registry. A review must be  
6 completed and a written report submitted to the Governor,  
7 President of the Senate, and the Speaker of the House of  
8 Representatives by October 1, 1999, pertaining to the State  
9 Case Registry and October 1, 2000, pertaining to the State  
10 Disbursement Unit, and every 2 years thereafter beginning  
11 October 1, 2002, pertaining to both the State Case Registry  
12 and the State Disbursement Unit.

13 (6) CONTRACT TERMINATION.--If any of the following  
14 events occur, the department may discontinue its plans to  
15 contract, or terminate its contract, with the Florida  
16 Association of Court Clerks and the depositories upon 30 days'  
17 written notice by the department and may, through competitive  
18 bidding, procure services from a private vendor to perform  
19 functions necessary for the department to operate the State  
20 Disbursement Unit and the non-Title IV-D component of the  
21 State Case Registry with a minimum amount of disruption in  
22 service to the children and citizens of the state:

23 (a) Receipt by the department of final notice by the  
24 United States Secretary of Health and Human Services or the  
25 secretary's designee that the contractual arrangement between  
26 the department, the Florida Association of Court Clerks, and  
27 the depositories, does not satisfy federal requirements for a  
28 State Disbursement Unit or a State Case Registry and that the  
29 state's Title IV-D State Plan will not be approved, or that  
30 federal Title IV-D funding is not made available to fund the  
31 non-Title IV-D component of the State Case Registry or the

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1 State Disbursement Unit;

2 (b) The Florida Association of Court Clerks, a  
3 depository or any subcontractor fails to comply with any  
4 material contractual term or state or federal requirement;

5 (c) The non-Title IV-D component of the State Case  
6 Registry is not established and operational, consistent with  
7 the terms of the contract, by October 1, 1998; or

8 (d) The State Disbursement Unit is not established and  
9 operational, consistent with the terms of the contract, by  
10 October 1, 1999.

11

12 If either event specified in paragraph (a) occurs, the  
13 depositories are relieved of all responsibilities and duties  
14 under this chapter relating to Title IV-D payment processing  
15 and data transmission to the department.

16 (7) PARTICIPATION BY DEPOSITORIES.--

17 (a) Each depository shall participate in the non-Title  
18 IV-D component of the State Case Registry by using an  
19 automated system compatible with the department's automated  
20 child support enforcement system.

21 (b) For participation in the State Disbursement Unit,  
22 each depository shall:

23 1. Use the CLERC System;

24 2. Receive electronically and record payment  
25 information from the State Disbursement Unit for each support  
26 order entered by the court.

27 (8) TITLE IV-D PROGRAM INCOME.--Pursuant to 45 C.F.R.  
28 s. 304.50, all transaction fees and interest income realized  
29 by the State Disbursement Unit constitute and must be reported  
30 as program income under federal law and must be transmitted to  
31 the Title IV-D agency for deposit in the Child Support

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1 Enforcement Application and Program Revenue Trust Fund.  
2 (9) PENALTIES.--All depositories must participate in  
3 the State Disbursement Unit and the non-Title IV-D component  
4 of the State Case Registry as provided in this chapter. If a  
5 depository fails to comply with this requirement or with any  
6 material contractual term or other state or federal  
7 requirement, the failure constitutes misfeasance which  
8 subjects the county officer or officers responsible for the  
9 depository to suspension under Article IV of the State  
10 Constitution. The department shall report any continuing acts  
11 of misfeasance by a depository to the Governor and Cabinet,  
12 and to the Florida Association of Court Clerks.

13 (10) WITHHOLDING PAYMENT UNDER CONTRACTS.--If the  
14 Florida Association of Court Clerks, its agent, a  
15 subcontractor, or a depository does not comply with any  
16 material contractual term or state or federal requirement, the  
17 department may withhold funds otherwise due under the  
18 individual contract with the Florida Association of Court  
19 Clerks or the individual cooperative agreement with the  
20 depository, or both, at the department's election, to enforce  
21 compliance. The department shall provide written notice of  
22 noncompliance before withholding funds. Within 10 business  
23 days after receipt of written notification of noncompliance,  
24 the department must be provided with a written proposed  
25 corrective action plan. Within 10 business days after receipt  
26 of a corrective action plan, the department shall accept the  
27 plan or allow 5 business days within which a revised plan may  
28 be submitted. Upon the department's acceptance of a corrective  
29 action plan, the agreed-upon plan must be fully completed  
30 within 30 business days unless a longer period is permitted by  
31 the department. If a proposed corrective action plan is not

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1 submitted, is not accepted, or is not fully completed, any  
 2 funds withheld by the department for noncompliance are  
 3 forfeited to the department. Withholding or forfeiture of  
 4 funds may be contested by filing a petition or request for a  
 5 hearing under the applicable provisions of chapter 120. For  
 6 the purposes of this section, no party to a dispute involving  
 7 less than \$5,000 in withheld or forfeited funds is deemed to  
 8 be substantially affected by the dispute or to have a  
 9 substantial interest in the decision resolving the dispute.

10           Section 39. Subsection (1) and paragraph (b) of  
 11 subsection (2) of section 382.013, Florida Statutes, as  
 12 amended by chapter 97-170, Laws of Florida, is hereby  
 13 repealed.

14           Section 40. This act shall take effect July 1, 1998,  
 15 except that section 1 shall take effect October 1, 1998.

16  
 17

18 ===== T I T L E   A M E N D M E N T =====

19 And the title is amended as follows:

20           Delete everything before the enacting clause

21

22 and insert:

23                           A bill to be entitled  
 24           An act relating to social welfare; creating s.  
 25           414.103, F.S.; providing for drug testing under  
 26           the "Work and Gain Economic Self-sufficiency  
 27           (WAGES) Act" for illegal use of controlled  
 28           substances; providing legislative intent and  
 29           findings; directing the Department of Children  
 30           and Family Services to implement a program to  
 31           screen and test WAGES Program applicants;



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1 requiring certain notice; providing procedures  
2 for screening, testing, retesting, and appeal  
3 of test results; providing for notice of local  
4 substance abuse programs; requiring the  
5 department to provide a rehabilitation  
6 treatment program for certain persons;  
7 specifying circumstances resulting in  
8 termination of temporary assistance or  
9 services; providing limitations; providing for  
10 rules; amending s. 61.13, F.S.; requiring child  
11 support orders to apportion certain medical  
12 expenses; providing requirements for notice and  
13 service of process; amending s. 61.1301, F.S.;  
14 revising provisions relating to income  
15 deduction orders and notices; amending s.  
16 61.181, F.S.; requiring evaluation of certain  
17 child support enforcement demonstration  
18 projects; requiring a report; amending s.  
19 61.30, F.S.; requiring certain information to  
20 accompany child support determinations;  
21 providing a limitation on retroactive awards;  
22 amending s. 69.041, F.S.; authorizing  
23 Department of Revenue participation in mortgage  
24 foreclosures based upon interests in a child  
25 support lien; amending ss. 319.24 and 409.2575,  
26 F.S.; authorizing the director of the state  
27 child support enforcement program to delegate  
28 certain responsibilities with respect to motor  
29 vehicle liens; amending s. 319.32, F.S.;  
30 providing a fee for motor vehicle liens;  
31 amending ss. 372.561 and 372.57, F.S.;

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1 requiring applicants for certain game and  
2 freshwater fish licenses to provide social  
3 security numbers; amending s. 372.574, F.S.;  
4 providing for confidentiality of records  
5 contained in records of subagents; amending s.  
6 382.008, F.S.; requiring death and fetal death  
7 registrations to include social security  
8 numbers, if available; restricting use of such  
9 numbers; amending s. 382.013, F.S.; providing  
10 for certain use of birth registration  
11 information; providing certain notice relating  
12 to paternity affidavits; amending s. 409.2557,  
13 F.S.; providing specific rulemaking authority;  
14 creating s. 409.2558, F.S.; providing for the  
15 department's distribution and disbursement of  
16 child support payments; creating s. 409.2559,  
17 F.S.; providing for establishment of a state  
18 disbursement unit; amending s. 409.2561, F.S.,  
19 relating to child support obligations when  
20 public assistance is paid; amending s.  
21 409.2564, F.S., relating to subpoenas in child  
22 support actions; providing for challenges;  
23 providing for enforcement; providing for fines;  
24 amending s. 409.25641, F.S.; providing for  
25 processing of automated administrative  
26 enforcement requests; creating s. 409.25658,  
27 F.S.; providing for use of certain unclaimed  
28 property for past-due child support; providing  
29 duties of the department and the Department of  
30 Banking and Finance; providing for notice and  
31 hearings; amending ss. 409.2567, 409.2578, and

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1 443.051, F.S.; correcting and conforming  
2 references; amending ss. 409.2572, 414.095, and  
3 414.32, F.S.; providing for determinations of  
4 good cause for failure to cooperate with the  
5 child support enforcement agency; amending ss.  
6 409.2576 and 455.213, F.S.; clarifying  
7 conditions for disclosure of social security  
8 numbers; amending s. 409.2579, F.S.; revising  
9 provisions which limit or prohibit disclosure  
10 of the identity and whereabouts of certain  
11 persons; providing a penalty; amending s.  
12 443.1715, F.S., relating to disclosure of wage  
13 and unemployment compensation information;  
14 amending s. 741.04, F.S., relating to  
15 information required for issuance of a marriage  
16 license; amending s. 742.032, F.S., relating to  
17 requirements for notice and service of process;  
18 amending s. 61.14, F.S.; prohibiting deductions  
19 by local depositories for certain costs and  
20 fees until the total due the obligee has been  
21 paid; amending s. 61.046, F.S.; revising  
22 definitions; amending s. 61.181, F.S.;  
23 providing for processing of certain central  
24 depository payments through the Department of  
25 Revenue's State Disbursement Unit; continuing a  
26 fee through a specified date; providing for the  
27 use of funds; creating s. 61.1824, F.S.;  
28 providing for a State Disbursement Unit;  
29 providing responsibilities; creating s.  
30 61.1825, F.S.; providing for operation of a  
31 State Case Registry; providing requirements;

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1           creating s. 61.1826, F.S.; providing  
2           legislative findings; providing for department  
3           cooperative agreements and contracts for  
4           operation of the State Disbursement Unit and  
5           the non-Title IV-D component of the State Case  
6           Registry; providing contract requirements;  
7           providing for performance reviews; requiring a  
8           report; providing for termination of contracts  
9           under specified conditions; providing for  
10          report of program income; providing penalties;  
11          authorizing the department to withhold funds  
12          for noncompliance with contractual terms;  
13          requiring notice; providing for a corrective  
14          action plan; repealing s. 382.013(1) and  
15          (2)(b), F.S., as amended by ch. 97-170, Laws of  
16          Florida, to clarify legislative intent with  
17          respect to conflicting enactments; providing  
18          effective dates.

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