

1 A bill to be entitled
2 An act relating to social welfare; providing
3 legislative intent and findings; providing for
4 demonstration projects to be implemented which
5 require drug screening and possibly drug
6 testing for individuals who apply for temporary
7 assistance or services under the "Work and Gain
8 Economic Self-sufficiency (WAGES) Act";
9 providing for expiration of the demonstration
10 projects unless reauthorized by the
11 Legislature; directing the Department of
12 Children and Family Services to implement the
13 demonstration projects in specified local WAGES
14 coalitions; requiring certain notice; providing
15 procedures for screening, testing, retesting,
16 and appeal of test results; providing for
17 notice of local substance abuse programs;
18 providing that, if a parent is deemed
19 ineligible due to a failure of a drug test, the
20 eligibility of the children of the parent will
21 not be affected; requiring the department to
22 provide for substance abuse treatment programs
23 for certain persons; giving the Department of
24 Children and Family Services rulemaking
25 authority; specifying circumstances resulting
26 in termination of temporary assistance or
27 services; requiring the department and the
28 local WAGES coalitions to evaluate the
29 demonstration projects and report to the WAGES
30 Program State Board of Directors and the
31 Legislature; providing that, in the event of

1 conflict, federal requirements and regulations
2 control; providing for a substance abuse
3 treatment program, subject to the availability
4 of funding; amending s. 61.13, F.S.; requiring
5 child support orders to apportion certain
6 medical expenses; providing requirements for
7 notice and service of process; amending s.
8 61.1301, F.S.; revising provisions relating to
9 income deduction orders and notices; amending
10 s. 61.181, F.S.; requiring evaluation of
11 certain child support enforcement demonstration
12 projects; requiring a report; amending s.
13 61.30, F.S.; requiring certain information to
14 accompany child support determinations;
15 providing a limitation on retroactive awards;
16 amending s. 69.041, F.S.; authorizing
17 Department of Revenue participation in mortgage
18 foreclosures based upon interests in a child
19 support lien; amending ss. 319.24 and 409.2575,
20 F.S.; authorizing the director of the state
21 child support enforcement program to delegate
22 certain responsibilities with respect to motor
23 vehicle liens; amending s. 319.32, F.S.;
24 providing a fee for motor vehicle liens;
25 amending ss. 372.561 and 372.57, F.S.;
26 requiring applicants for certain game and
27 freshwater fish licenses to provide social
28 security numbers; amending s. 372.574, F.S.;
29 providing for confidentiality of records
30 contained in records of subagents; amending s.
31 382.008, F.S.; requiring death and fetal death

1 registrations to include social security
 2 numbers, if available; restricting use of such
 3 numbers; amending s. 382.013, F.S.; providing
 4 for certain use of birth registration
 5 information; providing certain notice relating
 6 to paternity affidavits; amending s. 409.2557,
 7 F.S.; providing specific rulemaking authority;
 8 creating s. 409.2558, F.S.; providing for the
 9 department's distribution and disbursement of
 10 child support payments; creating s. 409.2559,
 11 F.S.; providing for establishment of a state
 12 disbursement unit; amending s. 409.2561, F.S.,
 13 relating to child support obligations when
 14 public assistance is paid; amending s.
 15 409.2564, F.S., relating to subpoenas in child
 16 support actions; providing for challenges;
 17 providing for enforcement; providing for fines;
 18 amending s. 409.25641, F.S.; providing for
 19 processing of automated administrative
 20 enforcement requests; creating s. 409.25658,
 21 F.S.; providing for use of certain unclaimed
 22 property for past-due child support; providing
 23 duties of the department and the Department of
 24 Banking and Finance; providing for notice and
 25 hearings; amending ss. 409.2567, 409.2578, and
 26 443.051, F.S.; correcting and conforming
 27 references; amending ss. 409.2572, 414.095, and
 28 414.32, F.S.; providing for determinations of
 29 good cause for failure to cooperate with the
 30 child support enforcement agency; amending ss.
 31 409.2576 and 455.213, F.S.; clarifying

1 conditions for disclosure of social security
 2 numbers; amending s. 409.2579, F.S.; revising
 3 provisions which limit or prohibit disclosure
 4 of the identity and whereabouts of certain
 5 persons; providing a penalty; amending s.
 6 443.1715, F.S., relating to disclosure of wage
 7 and unemployment compensation information;
 8 amending s. 741.04, F.S., relating to
 9 information required for issuance of a marriage
 10 license; amending s. 742.032, F.S., relating to
 11 requirements for notice and service of process;
 12 amending s. 61.14, F.S.; prohibiting deductions
 13 by local depositories for certain costs and
 14 fees until the total due the obligee has been
 15 paid; amending s. 61.046, F.S.; revising
 16 definitions; amending s. 61.181, F.S.;
 17 providing for processing of certain central
 18 depository payments through the Department of
 19 Revenue's State Disbursement Unit; continuing a
 20 fee through a specified date; providing for the
 21 use of funds; creating s. 61.1824, F.S.;
 22 providing for a State Disbursement Unit;
 23 providing responsibilities; creating s.
 24 61.1825, F.S.; providing for operation of a
 25 State Case Registry; providing requirements;
 26 creating s. 61.1826, F.S.; providing
 27 legislative findings; providing for department
 28 cooperative agreements and contracts for
 29 operation of the State Disbursement Unit and
 30 the non-Title IV-D component of the State Case
 31 Registry; providing contract requirements;

1 providing for performance reviews; requiring a
2 report; providing for termination of contracts
3 under specified conditions; providing for
4 report of program income; providing penalties;
5 authorizing the department to withhold funds
6 for noncompliance with contractual terms;
7 requiring notice; providing for a corrective
8 action plan; repealing s. 382.013(1) and
9 (2)(b), F.S., as amended by ch. 97-170, Laws of
10 Florida, to clarify legislative intent with
11 respect to conflicting enactments; providing
12 effective dates.

13

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

15

16 Section 1. Legislative intent and findings.--

17 (1) It is the intent of the Legislature that the
18 provisions of this act enhance the employability of
19 participants in the WAGES Program through drug screening,
20 testing, and treatment.

21 (2) The Legislature finds that there is a perception
22 on the part of employers that the individuals who receive
23 temporary assistance or services under the WAGES Program are
24 likely to use drugs, and that such perception adds to the
25 difficulties such individuals have in securing employment.

26 (3) The Legislature also finds that the failure of
27 individuals to achieve the independence provided by gainful
28 employment results in welfare costs that burden the state's
29 taxpayers.

30 (4) The Legislature further finds that drug use
31 adversely effects a significant portion of the workforce,

1 which results in billions of dollars of lost productivity each
2 year and poses a threat to the safety of the workplace and to
3 public safety and security.

4 (5) In balancing the interests of taxpayers,
5 participants in the WAGES Program, and potential employers
6 against the interests of those who will be screened and tested
7 under this act, the Legislature finds that drug screening,
8 testing, and treatment as provided for in this act are in the
9 greater interests of all concerned.

10 Section 2. Drug testing and screening program;
11 procedures.--

12 (1) The Department of Children and Family Services, in
13 consultation with local WAGES coalitions 3 and 8, shall
14 develop and, as soon as possible after January 1, 1999,
15 implement a demonstration project in WAGES regions 3 and 8 to
16 screen each applicant and test applicants for temporary cash
17 assistance provided under chapter 414, Florida Statutes, who
18 the department has reasonable cause to believe, based on the
19 screening, engage in illegal use of controlled substances.
20 Unless reauthorized by the Legislature, this demonstration
21 project expires June 30, 2001. As used in this act, the term
22 "applicant" means an individual who first applies for
23 assistance or services under the WAGES Program. Screening and
24 testing for the illegal use of controlled substances is not
25 required if the individual reapplies during any continuous
26 period in which the individual receives assistance or
27 services. However, an individual may volunteer for drug
28 testing and treatment if funding is available.

29 (2) Under the demonstration project the Department of
30 Children and Family Services shall:

1 (a) Provide notice of drug screening and the potential
2 for possible drug testing to each applicant at the time of
3 application. The notice must advise the applicant that drug
4 screening and possibly drug testing will be conducted as a
5 condition for receiving temporary assistance or services under
6 chapter 414, Florida Statutes, and shall specify the
7 assistance or services that are subject to this requirement.
8 The notice must also advise the applicant that a prospective
9 employer may require the applicant to submit to a
10 pre-employment drug test. The applicant shall be advised that
11 the required drug screening and possible drug testing may be
12 avoided if the applicant does not apply for or receive
13 assistance or services. The drug screening and testing program
14 is not applicable in child-only cases.

15 (b) Develop a procedure for drug screening and
16 conducting drug testing of applicants for temporary assistance
17 or services under the WAGES Program.

18 (c) Provide a procedure to advise each person to be
19 tested, before the test is conducted, that he or she may, but
20 is not required to, advise the agent administering the test of
21 any prescription or over-the-counter medication he or she is
22 taking.

23 (d) Require each person to be tested to sign a written
24 acknowledgment that he or she has received and understood the
25 notice and advice provided under paragraphs (a) and (c).

26 (e) Provide a procedure to assure each person being
27 tested a reasonable degree of dignity while producing and
28 submitting a sample for drug testing, consistent with the
29 state's need to ensure the reliability of the sample.

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1 (f) Specify circumstances under which a person who
2 fails a drug test has the right to take one or more additional
3 tests.

4 (g) Provide a procedure for appealing the results of a
5 drug test by a person who fails a test and for advising the
6 appellant that he or she may, but is not required to, advise
7 appropriate staff of any prescription or over-the-counter
8 medication he or she has been taking.

9 (h) Notify each person who fails a drug test of the
10 local substance abuse treatment programs that may be available
11 to such person.

12 Section 3. Children.--

13 (1) If a parent is deemed ineligible for cash
14 assistance due to the failure of a drug test under this act,
15 his or her dependent child's eligibility for cash assistance
16 is not affected.

17 (2) If a parent is deemed ineligible for cash
18 assistance due to the failure of a drug test, an appropriate
19 protective payee will be established for the benefit of the
20 child.

21 (3) If the parent refuses to cooperate in establishing
22 an appropriate protective payee for the child, the Department
23 of Children and Family Services will appoint one.

24 Section 4. Treatment.--

25 (1) Subject to the availability of funding, the
26 Department of Children and Family Services shall provide a
27 substance-abuse-treatment program for a person who fails a
28 drug test conducted under this act and is eligible to receive
29 temporary assistance or services under the WAGES Program. The
30 department shall provide for a retest at the end of the
31 treatment period. Failure to pass the retest will result in

1 the termination of temporary assistance or services provided
2 under chapter 414, Florida Statutes, and of any right to
3 appeal the termination.

4 (2) The Department of Children and Family Services
5 shall develop rules regarding the disclosure of information
6 concerning applicants who enter treatment, including the
7 requirement that applicants sign a consent to release
8 information to the Department of Children and Family Services
9 or the Department of Labor and Employment Security, as
10 necessary, as a condition of entering the treatment program.

11 (3) The Department of Children and Family Services may
12 develop rules for assessing the status of persons formerly
13 treated under this act who reapply for assistance or services
14 under the WAGES act as well as the need for drug testing as a
15 part of the reapplication process.

16 Section 5. Evaluations and recommendations.--

17 (1) The Department of Children and Family Services, in
18 conjunction with the local WAGES coalitions in service areas 3
19 and 8, shall conduct a comprehensive evaluation of the
20 demonstration projects operated under this act. By January 1,
21 2000, the department, in conjunction with the local WAGES
22 coalitions involved, shall report to the WAGES Program State
23 Board of Directors and to the Legislature on the status of the
24 initial implementation of the demonstration projects and shall
25 specifically describe the problems encountered and the funds
26 expended during the first year of operation.

27 (2) By January 1, 2001, the department, in conjunction
28 with the local WAGES coalitions involved, shall provide a
29 comprehensive evaluation to the WAGES Program State Board of
30 Directors and to the Legislature, which must include:
31

1 (a) The impact of the drug screening and testing
2 program on employability, job placement, job retention, and
3 salary levels of program participants.

4 (b) Recommendations, based in part on a cost and
5 benefit analysis, as to the feasibility of expanding the
6 program to other local WAGES service areas, including specific
7 recommendations for implementing such expansion of the
8 program.

9 Section 6. In the event of a conflict between the
10 implementation procedures described in this program and
11 federal requirements and regulations, federal requirements and
12 regulations shall control.

13 Section 7. From the funds appropriated in Specific
14 Appropriations 361, Grants and Aid - Community Substance Abuse
15 Services, and 1892, Grants and Aid - WAGES Coalitions, the
16 Department of Children and Family Services and the WAGES
17 Program State Board of Directors, in consultation with the
18 Department of Labor and Employment Security, shall provide a
19 substance abuse treatment program for a person who fails a
20 drug test conducted under this act and is eligible to receive
21 temporary assistance or services under the WAGES Program. The
22 Department of Children and Family Services shall provide for a
23 retest at the end of the treatment period. Failure to pass the
24 retest will result in the termination of temporary assistance
25 or services provided under chapter 414, Florida Statutes, and
26 of any right to appeal the termination. Implementation of this
27 project is subject to the availability of funding.

28 Section 8. Paragraph (b) of subsection (1) and
29 paragraph (c) of subsection (9) of section 61.13, Florida
30 Statutes, are amended to read:

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1 61.13 Custody and support of children; visitation
2 rights; power of court in making orders.--

3 (1)

4 (b) Each order for child support shall contain a
5 provision for health insurance for the minor child when the
6 insurance is reasonably available. Insurance is reasonably
7 available if either the obligor or obligee has access at a
8 reasonable rate to group insurance. The court may require the
9 obligor either to provide health insurance coverage or to
10 reimburse the obligee for the cost of health insurance
11 coverage for the minor child when coverage is provided by the
12 obligee. In either event, the court shall apportion the cost
13 of coverage, and any noncovered medical, dental, and
14 prescription medication expenses of the child, to both parties
15 by adding the cost to the basic obligation determined pursuant
16 to s. 61.30(6). The court may order that payment of uncovered
17 medical, dental, and prescription medication expenses of the
18 minor child be made directly to the payee on a percentage
19 basis.

20 (9)

21 (c) Beginning July 1, 1997, in any subsequent Title
22 IV-D child support enforcement action between the parties,
23 upon sufficient showing that diligent effort has been made to
24 ascertain the location of such a party, the court of competent
25 jurisdiction shall ~~the tribunal may~~ deem state due process
26 requirements for notice and service of process to be met with
27 respect to the party, upon delivery of written notice to the
28 most recent residential or employer address filed with the
29 tribunal and State Case Registry pursuant to paragraph (a).
30 Beginning October 1, 1998, in any subsequent non-Title IV-D
31

1 child support enforcement action between the parties, the same
2 requirements for service shall apply.

3 Section 9. Section 61.1301, Florida Statutes, is
4 amended to read:

5 61.1301 Income deduction orders.--

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

9 (a) Upon the entry of an order establishing,
10 enforcing, or modifying an obligation for alimony, for child
11 support, or for alimony and child support, other than a
12 temporary order, the court shall enter a separate order
13 ~~include provisions~~ for income deduction if one has not been
14 entered of the alimony and/or child support in the order.

15 Copies of the orders shall be served on the obligee and
16 obligor. If the order establishing, enforcing, or modifying
17 the obligation directs ~~shall direct~~ that payments be made
18 through the depository, ~~the~~ court shall provide to the
19 depository a copy of the order establishing, enforcing, or
20 modifying the obligation. If the obligee is a recipient of
21 Title IV-D services applicant, the court shall furnish to the
22 Title IV-D agency a copy of the income deduction order and the
23 order establishing, enforcing, or modifying the obligation.

24 1. In Title IV-D cases, the Title IV-D agency may
25 implement income deduction after receiving a copy of an order
26 from the court under this paragraph or a forwarding agency
27 under UIFSA, URESA, or RURESAs by issuing an income deduction
28 notice to the payor.

29 2. The income deduction notice must state that it is
30 based upon a valid support order and that it contains an
31 income deduction requirement or upon a separate income

1 deduction order. The income deduction notice must contain the
2 notice to payor provisions specified by paragraph (2)(e). The
3 income deduction notice must contain the following information
4 from the income deduction order upon which the notice is
5 based: the case number, the court that entered the order, and
6 the date entered.

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

10 4. In non-Title IV-D cases, the income deduction
11 notice must be accompanied by a copy of the support order upon
12 which the notice is based. In Title IV-D cases, upon request
13 of a payor, the Title IV-D agency shall furnish the payor a
14 copy of the income deduction order.~~The income deduction shall~~
15 ~~be implemented by serving an income deduction notice upon the~~
16 ~~payor.~~

17 ~~5.2.~~ If a support order entered before January 1,
18 1994,~~October 1, 1996,~~in a non-Title IV-D case does not
19 specify income deduction, income deduction may be initiated
20 upon a delinquency without the need for any amendment to the
21 support order or any further action by the court. In such
22 case the obligee may implement income deduction by serving a
23 notice of delinquency on the obligor as provided for under
24 paragraph (f).

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

27 1. Direct a payor to deduct from all income due and
28 payable to an obligor the amount required by the court to meet
29 the obligor's support obligation including any attorney's fees
30 or costs owed and forward the deducted amount pursuant to the
31 order.

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

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

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

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

23 (c) The income deduction order is effective
24 immediately unless the court upon good cause shown finds that
25 the income deduction order shall be effective upon a
26 delinquency in an amount specified by the court but not to
27 exceed 1 month's payment, pursuant to the order establishing,
28 enforcing, or modifying the obligation. In order to find good
29 cause, the court must at a minimum make written findings that:

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

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

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

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

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

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

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

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

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

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

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

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

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

17 1. The notice of delinquency shall state:

18 a. The terms of the order establishing, enforcing, or
19 modifying the obligation.

20 b. The period of delinquency and the total amount of
21 the delinquency as of the date the notice is mailed.

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

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

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

1 f. That a copy of the notice of delinquency will be
2 served on the obligor's payor or payors, together with a copy
3 of the income deduction order or, in Title IV-D cases, the
4 income deduction notice, unless the obligor applies to the
5 court to contest enforcement of the income deduction. The
6 application shall be filed within 15 days after the date the
7 notice of delinquency was served.

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

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

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

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

28 1. Modify, suspend, or terminate the income deduction
29 order ~~notice~~ in accordance with a modification, suspension, or
30 termination of the support provisions in the underlying order;
31 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 6. Provide that the payor may collect up to \$5 against
30 the obligor's income to reimburse the payor for administrative
31

1 costs for the first income deduction and up to \$2 for each
2 deduction thereafter;

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

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

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

30 10. State that an obligor may bring a civil action in
31 the courts of this state against a payor who refuses to

1 employ, discharges, or otherwise disciplines an obligor
2 because of ~~an~~ income deduction ~~notice~~. The obligor is entitled
3 to reinstatement and all wages and benefits lost, plus
4 reasonable attorney's fees and costs incurred;

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

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

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

28 (f) At any time an income deduction order is being
29 enforced, the obligor may apply to the court for a hearing to
30 contest the continued enforcement of the income deduction on
31 the same grounds set out in paragraph (c), with a copy to the

1 obligee and, in IV-D cases, to the IV-D agency. The
2 application does not affect the continued enforcement of the
3 income deduction until the court enters an order granting
4 relief to the obligor. The obligee or the IV-D agency is
5 released from liability for improper receipt of moneys
6 pursuant to an income deduction order upon return to the
7 appropriate party of any moneys received.

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

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

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

30 3. When an obligor who is subject to an income
31 deduction order enforced against a payor located in this state

1 for the benefit of an obligee who is being provided IV-D
2 services by the agency responsible for income deduction in
3 another state terminates his or her relationship with his or
4 her payor, the IV-D agency shall notify the agency in the
5 other state and provide it with the name and address of the
6 obligor and the address of any new payor of the obligor, if
7 known.

8 4.a. The procedural rules and laws of this state
9 govern the procedural aspects of income deduction whenever the
10 agency responsible for income deduction in another state
11 requests the enforcement of an income deduction order in this
12 state.

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

20 c. When the IV-D agency is requested by an agency
21 responsible for income deduction in another state to implement
22 income deduction against a payor located in this state for the
23 benefit of an obligee who is being provided IV-D services by
24 the agency in the other state or when the IV-D agency in this
25 state initiates an income deduction request on behalf of an
26 obligee receiving IV-D services in this state against a payor
27 in another state, pursuant to this section or the Uniform
28 Interstate Family Support Act, the IV-D agency shall file the
29 interstate income deduction documents, or an affidavit of such
30 request when the income deduction documents are not available,
31 with the depository and if the IV-D agency in this state is

1 responding to a request from another state, provide copies to
2 the payor and obligor in accordance with subsection (1). The
3 depository created pursuant to s. 61.181 shall accept the
4 interstate income deduction documents or affidavit and shall
5 establish an account for the receipt and disbursement of child
6 support or child support and alimony payments and advise the
7 IV-D agency of the account number in writing within 2 days
8 after receipt of the documents or affidavit.

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

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

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

27 (k) When a payor no longer provides income to an
28 obligor, he or she shall notify the obligee and, if the
29 obligee is a IV-D applicant, the IV-D agency and shall also
30 provide the obligor's last known address and the name and
31 address of the obligor's new payor, if known. A payor who

1 violates this subsection is subject to a civil penalty not to
2 exceed \$250 for the first violation or \$500 for a subsequent
3 violation. Penalties shall be paid to the obligee or the IV-D
4 agency, whichever is enforcing the income deduction order.

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

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

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

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

29 (c) If the total monthly support obligation to all
30 families is greater than the amount of income available for
31 deduction, the amount of the deduction must be prorated,

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

23 Section 10. Section 63.181, Florida Statutes, is
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

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 as
7 provided by federal law.

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

21 (b)1. For the period of July 1, 1992, through June 30,
22 1999, the fee imposed in paragraph (a) shall be increased to 4
23 percent of the support payments which the party is obligated
24 to pay, except that no fee shall be more than \$5.25. The fee
25 shall be considered by the court in determining the amount of
26 support that the obligor is, or may be, required to pay.
27 Notwithstanding the provisions of s. 145.022, 75 percent of
28 the additional revenues generated by this paragraph shall be
29 remitted monthly to the Clerk of the Court Child Support
30 Enforcement Collection System Trust Fund administered by the
31 department as provided in subparagraph 2. These funds shall

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

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

21 a. For each support payment of less than \$33, 18.75
22 cents.

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

25 c. For each support payment in excess of \$140, 18.75
26 cents.

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

31

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

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

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

19 2. The obligee's name, address, and social security
20 number.

21 3. The amount of support due as provided in the court
22 order.

23 4. The schedule of payment as provided in the court
24 order.

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

28 6. The unpaid balance of any arrearage due as provided
29 in the court order.

30 7. Other records as necessary to comply with federal
31 reporting requirements.

1 (b) The depository may require a payor or obligor to
2 complete an information form, which shall request the
3 following about the payor or obligor who provides payment by
4 check:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Representatives before December 1, 1996. This subsection
2 shall not affect the implementation of any other parts of this
3 section.

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

13 Section 11. Paragraph (a) of subsection (1) and
14 subsections (8) and (17) of section 61.30, Florida Statutes,
15 are amended to read:

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

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

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

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

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

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

31

1 (b) All actual payments made by the noncustodial
2 parent to the custodial parent or the child or third parties
3 for the benefit of the child throughout the proposed
4 retroactive period.

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

7 Section 12. Subsection (4) of section 69.041, Florida
8 Statutes, is amended to read:

9 69.041 State named party; lien foreclosure, suit to
10 quiet title.--

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

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

1 actions initiated before July 1, 1998, in which no default has
2 been entered against the Department of Revenue before July 1,
3 1998.

4 Section 13. Subsection (4) of section 319.24, Florida
5 Statutes, is amended to read:

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

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

31

1 Section 14. Subsection (4) of section 319.32, Florida
2 Statutes, is renumbered as subsection (5), and a new
3 subsection (4) is added to said section to read:

4 319.32 Fees; service charges; disposition.--

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

8 Section 15. Subsection (2) of section 372.561, Florida
9 Statutes, is amended to read:

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

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

23 Section 16. The introductory paragraph of section
24 372.57, Florida Statutes, is amended to read:

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

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

29 Section 17. Section 372.574, Florida Statutes, is
30 amended to read:

31

1 372.574 Appointment of subagents for the sale of
2 hunting, fishing, and trapping licenses and permits.--

3 (1) A county tax collector who elects to sell licenses
4 and permits may appoint any person as a subagent for the sale
5 of fishing, hunting, and trapping licenses and permits that
6 the tax collector is allowed to sell. The following are
7 requirements for subagents:

8 (a) Each subagent must serve at the pleasure of the
9 county tax collector.

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

13 (c) The tax collector may require each subagent to
14 post an appropriate bond as determined by the tax collector,
15 using an insurance company acceptable to the tax collector.
16 In lieu of such bond, the tax collector may purchase blanket
17 bonds covering all or selected subagents or may allow a
18 subagent to post such other security as is required by the tax
19 collector.

20 (d) A subagent may sell licenses and permits as are
21 determined by the tax collector at such specific locations
22 within the county and in states contiguous to Florida as will
23 best serve the public interest and convenience in obtaining
24 licenses and permits. The commission may uniformly prohibit
25 subagents from selling certain licenses or permits.

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

29 (f) Any person who willfully violates any of the
30 provisions of this law is guilty of a misdemeanor of the
31

1 second degree, punishable as provided in s. 775.082 or s.
2 775.083.

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

7 (h) A subagent shall submit payment for and report the
8 sale of licenses and permits to the tax collector as
9 prescribed by the tax collector but no less frequently than
10 monthly.

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

15 (2) If a tax collector elects not to appoint
16 subagents, the commission may appoint subagents within that
17 county. Subagents shall serve at the pleasure of the
18 commission. The commission may establish, by rule, procedures
19 for selection of subagents. The following are requirements
20 for subagents so appointed:

21 (a) The commission may require each subagent to post
22 an appropriate bond as determined by the commission, using an
23 insurance company acceptable to the commission. In lieu of
24 the bond, the commission may purchase blanket bonds covering
25 all or selected subagents or may allow a subagent to post
26 other security as required by the commission.

27 (b) A subagent may sell licenses and permits as
28 authorized by the commission at specific locations within the
29 county and in states as will best serve the public interest
30 and convenience in obtaining licenses and permits. The
31

1 commission may prohibit subagents from selling certain
2 licenses or permits.

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

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

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

17 (f) A subagent shall submit payment for and report the
18 sale of licenses and permits to the commission as prescribed
19 by the commission.

20 (g) Subagents shall maintain records of all licenses
21 and permits sold and all stamps issued, voided, stolen, or
22 lost. Subagents are responsible to the commission for the
23 fees for all licenses and permits sold and for the value of
24 all stamps reported as lost. Subagents must report all stolen
25 validation stamps to the appropriate law enforcement agency.
26 The subagent shall submit a written report and a copy of the
27 law enforcement agency's report to the commission within 5
28 days after discovering the theft. The value of a lost
29 validation stamp is \$5.

30 (h) Subagents shall submit an activity report, for
31 sales made during the reporting period on forms prescribed or

1 approved by the commission. Periodic audits may be performed
2 at the discretion of the commission.

3 (i) By July 15 of each year, each subagent shall
4 submit to the commission all unissued stamps for the previous
5 year along with a written audit report, on forms prescribed or
6 approved by the commission, on the numbers of the unissued
7 stamps.

8 (3) All social security numbers which are provided
9 pursuant to ss. 372.561 and 372.57 and are contained in
10 records of any subagent appointed pursuant to this section are
11 confidential as provided in those sections.

12 Section 18. Subsection (1) of section 382.008, Florida
13 Statutes, is amended to read:

14 382.008 Death and fetal death registration.--

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

28 (a) If requested by the informant, shall include
29 aliases or "also known as" (AKA) names of a decedent in
30 addition to the decedent's name of record. Aliases shall be
31 entered on the face of the death certificate in the space

1 provided for name if there is sufficient space. If there is
2 not sufficient space, aliases may be recorded on the back of
3 the certificate and shall be considered part of the official
4 record of death;

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

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

11 Section 19. Section 382.013, Florida Statutes, is
12 amended to read:

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

22 (1) FILING.--

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

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

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

7 2. In the absence of persons described in subparagraph
8 1., any other person in attendance during or immediately after
9 the birth.

10 3. In the absence of persons described in subparagraph
11 2., the father or mother.

12 4. In the absence of the father and the inability of
13 the mother, the person in charge of the premises where the
14 birth occurred.

15 (c) If a birth occurs in a moving conveyance and the
16 child is first removed from the conveyance in this state, the
17 birth shall be filed and registered in this state and the
18 place to which the child is first removed shall be considered
19 the place of birth.

20 (d) At least one of the parents of the child shall
21 attest to the accuracy of the personal data entered on the
22 certificate in time to permit the timely registration of the
23 certificate.

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

30 (f) Regardless of any plan to place a child for
31 adoption after birth, the information on the birth certificate

1 as required by this section must be as to the child's birth
2 parents unless and until an application for a new birth record
3 is made under s. 63.152.

4 (2) PATERNITY.--

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

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

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

31

1 (d) If the paternity of the child is determined by a
2 court of competent jurisdiction as provided under s. 382.015,
3 the name of the father and the surname of the child shall be
4 entered on the certificate in accordance with the finding and
5 order of the court. If the court fails to specify a surname
6 for the child, the surname shall be entered in accordance with
7 subsection (3).

8 (e) If the father is not named on the certificate, no
9 other information about the father shall be entered on the
10 certificate.

11 (3) NAME OF CHILD.--

12 (a) If the mother is married at the time of birth, the
13 mother and father whose names are entered on the birth
14 certificate shall select the given names and surname of the
15 child if both parents have custody of the child, otherwise the
16 parent who has custody shall select the child's name.

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

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

31

1 (d) If multiple names of the child exceed the space
2 provided on the face of the birth certificate they shall be
3 listed on the back of the certificate. Names listed on the
4 back of the certificate shall be part of the official record.

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

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

28 Section 20. Subsection (3) is added to section
29 409.2557, Florida Statutes, to read:

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

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

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

8 (b) confidentiality and retention of department
9 records; access to records; record requests;

10 (c) department trust funds;

11 (d) federal funding procedures;

12 (e) agreements with law enforcement and other state
13 agencies; National Crime Information Center (NCIC) access;
14 Parent Locator Service access;

15 (f) written agreements entered into between the
16 department and child support obligors in establishment,
17 enforcement, and modification proceedings;

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

20 (h) management of cases by the department involving
21 any documentation or procedures required by federal or state
22 law, including but not limited to, cooperation; review and
23 adjustment; audits; interstate actions; diligent efforts for
24 service of process;

25 (i) department procedures for orders for genetic
26 testing; subpoenas to establish, enforce or modify orders;
27 increasing the amount of monthly obligations to secure
28 delinquent support; suspending or denying driver's and
29 professional licenses and certificates; fishing and hunting
30 license suspensions; suspending vehicle and vessel
31 registrations, screening applicants for new or renewal

1 licenses, registrations, or certificates; income deduction;
2 credit reporting and accessing; tax refund intercepts;
3 passport denials; liens; financial institution data matches;
4 expedited procedures; medical support; and all other
5 responsibilities of the department as required by state or
6 federal law;

7 (j) collection and disbursement of child support and
8 alimony payments by the department as required by federal law;
9 collection of genetic testing costs and other costs awarded by
10 the court;

11 (k) report information to and receive information from
12 other agencies and entities;

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

15 (m) privatizing location, establishment, enforcement,
16 modification and other functions;

17 (n) state case registry;

18 (o) state disbursement unit; and

19 (p) all other responsibilities of the department as
20 required by state or federal law;

21 Section 21. Section 409.2558, Florida Statutes, is
22 created to read:

23 409.2558 Child support distribution and
24 disbursement.--The department shall distribute and disburse
25 child support payments collected in Title IV-D cases in
26 accordance with 42 U.S.C. s. 657 and regulations adopted
27 thereunder by the Secretary of the United States Department of
28 Health and Human Services.

29 Section 22. Section 409.2559, Florida Statutes, is
30 created to read:

31

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

4 Section 23. Subsection (1) of section 409.2561,
5 Florida Statutes, is amended to read:

6 409.2561 Child support obligations when public
7 assistance is paid ~~Public assistance payments; reimbursement~~
8 ~~of obligation to department;~~ assignment of rights;
9 subrogation; medical and health insurance information.--

10 (1) Any payment of public assistance money made to, or
11 for the benefit of, any dependent child creates an obligation
12 in an amount equal to the amount of public assistance paid. In
13 accordance with 42 U.S.C. s. 657, the state shall retain
14 amounts collected only to the extent necessary to reimburse
15 amounts paid to the family as assistance by the state. If
16 there has been a prior court order or final judgment of
17 dissolution of marriage establishing an obligation of support,
18 the obligation is limited to the amount provided by such court
19 order or decree, ~~pursuant to the applicable child support~~
20 ~~guidelines in s. 61.30.~~ The obligor shall discharge the
21 reimbursement obligation. If the obligor fails to discharge
22 the reimbursement obligation, the department may apply for a
23 contempt order to enforce reimbursement for support furnished.
24 The extraordinary remedy of contempt is applicable in child
25 support enforcement cases because of the public necessity for
26 ensuring that dependent children be maintained from the
27 resources of their parents, thereby relieving, at least in
28 part, the burden presently borne by the general citizenry
29 through the public assistance program. If there is no prior
30 court order establishing an obligation of support, the court
31 shall establish the liability of the obligor, if any, for

1 reimbursement of public assistance moneys paid, ~~by applying~~
2 ~~the child support guidelines in s. 61.30 for the public~~
3 ~~assistance period.~~ Priority shall be given to establishing
4 continuing reasonable support for the dependent child. The
5 department may apply for modification of a court order on the
6 same grounds as either party to the cause and shall have the
7 right to settle and compromise actions brought pursuant to
8 law.

9 Section 24. Subsections (8) and (9) of section
10 409.2564, Florida Statutes, are amended to read:

11 409.2564 Actions for support.--

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

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

29 (b) Prior to making application to the court for an
30 order compelling compliance with a subpoena ~~imposition of a~~
31 ~~fine~~, the department shall issue a written notification of

1 noncompliance. Failure to comply within 15 days after of
2 receipt of the written notification without good cause may
3 result in the ~~agency taking the following actions:~~

4 ~~1. Imposition of an administrative fine of not more~~
5 ~~than \$500;~~

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

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

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

21 Section 25. Subsection (1) of section 409.25641,
22 Florida Statutes, is amended to read:

23 409.25641 Procedures for processing automated
24 administrative interstate enforcement requests.--

25 (1) The Title IV-D agency shall use automated
26 administrative enforcement in response to a request from
27 another state to enforce a support order and shall promptly
28 report the results of enforcement action to the requesting
29 state. "Automated administrative enforcement" means the use of
30 automated data processing to search state databases and
31 determine whether information is available regarding the

1 parent who owes a child support obligation.~~The Title IV-D~~
2 ~~agency shall respond within 5 business days to a request from~~
3 ~~another state to enforce a support order.~~

4 Section 26. Section 409.25658, Florida Statutes, is
5 created to read:

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

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

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

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

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

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

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

17 Section 27. Section 409.2567, Florida Statutes, is
18 amended to read:

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

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

26 Section 28. Subsection (4) is added to section
27 409.2572, Florida Statutes, to read:

28 409.2572 Cooperation.--

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

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

3 Section 29. Section 409.2575, Florida Statutes, is
4 amended to read:

5 409.2575 Liens on motor vehicles and vessels.--

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

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

21 Section 30. Paragraph (c) of subsection (3) of section
22 409.2576, Florida Statutes, is amended to read:

23 409.2576 State Directory of New Hires; definitions;
24 furnishing reports and data; matches to state registry;
25 service of deduction notices; national registry; disclosure of
26 information; rulemaking authority.--

27 (3) EMPLOYERS TO FURNISH REPORTS.--

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

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

5 (9) DISCLOSURE OF INFORMATION.--

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

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

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

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

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

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

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

27 Section 31. Paragraph (b) of subsection (2) and
28 subsection (3) of section 409.2578, Florida Statutes, are
29 amended to read:

30 409.2578 Access to employment information;
31 administrative fine.--

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

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

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

16 Section 32. Subsections (1), (3), (4), and (5) of
17 section 409.2579, Florida Statutes, are amended to read:

18 409.2579 Safeguarding Title IV-D case file
19 information.--

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

25 (a) The administration of the plan or program approved
26 under part A, part B, part D, part E, or part F of Title IV;
27 under Title II, Title X, Title XIV, Title XVI, Title XIX, or
28 Title XX; or under the supplemental security income program
29 established under Title XVI of the Social Security Act;

30
31

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

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

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

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

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

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

30
31

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

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

8 Section 33. Subsection (7) of section 414.095, Florida
9 Statutes, is amended to read:

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

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

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

23 (b) Assisting in establishing paternity; and

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

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

1 Section 34. Paragraph (a) of subsection (1) of section
2 414.32, Florida Statutes, is amended to read:

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

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

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

20 Section 35. Paragraph (b) of subsection (3) of section
21 443.051, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

7 Section 36. Subsection (2) of section 443.1715,
8 Florida Statutes, is amended to read:

9 443.1715 Disclosure of information; confidentiality.--

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

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

16 Section 37. Subsection (9) of section 455.213, Florida
17 Statutes, is amended to read:

18 455.213 General licensing provisions.--

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

28 Section 38. Section 741.04, Florida Statutes, is
29 amended to read:

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

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

26 Section 39. Subsection (2) of section 742.032, Florida
27 Statutes, is amended to read:

28 742.032 Filing of location information.--

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

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

10 Section 40. Subsection (6) of section 61.14, Florida
11 Statutes, is amended to read:

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

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

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

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

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

15 a. The delinquency and its amount.

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

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

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

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

31

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

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

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

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

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

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

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

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

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

17 Section 41. Section 61.046, Florida Statutes, is
18 amended to read:

19 61.046 Definitions.--As used in this chapter:

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

22 (2) "Clerk of Court Child Support Collection System"
23 or "CLERC System" means the automated system established
24 pursuant to s. 61.181(2)(b)1., integrating all clerks of court
25 and depositories and through which payment data and State Case
26 Registry data is transmitted to the department's automated
27 child support enforcement system.

28 (3)~~(1)~~ "Custodial parent" or "primary residential
29 parent" means the parent with whom the child maintains his or
30 her primary residence.

31 (4)~~(2)~~ "Department" means the Department of Revenue.

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

8 ~~(6)~~ "Federal Case Registry of Child Support Orders"
9 means the automated registry of support order abstracts and
10 other information established and maintained by the United
11 States Department of Health and Human Services as provided by
12 42 U.S.C. s. 653(h).

13 ~~(7)(4)~~ "Income" means any form of payment to an
14 individual, regardless of source, including, but not limited
15 to: wages, salary, commissions and bonuses, compensation as an
16 independent contractor, worker's compensation, disability
17 benefits, annuity and retirement benefits, pensions,
18 dividends, interest, royalties, trusts, and any other
19 payments, made by any person, private entity, federal or state
20 government, or any unit of local government. United States
21 Department of Veterans Affairs disability benefits and
22 unemployment compensation, as defined in chapter 443, are
23 excluded from this definition of income except for purposes of
24 establishing an amount of support.

25 ~~(8)(5)~~ "IV-D" means services provided pursuant to
26 Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et
27 seq s. 1302.

28 ~~(9)(6)~~ "Local officer" means an elected or appointed
29 constitutional or charter government official including, but
30 not limited to, the state attorney and clerk of the circuit
31 court.

1 ~~(10)(7)~~ "Noncustodial parent" means the parent with
2 whom the child does not maintain his or her primary residence.

3 ~~(11)(8)~~ "Obligee" means the person to whom payments
4 are made pursuant to an order establishing, enforcing, or
5 modifying an obligation for alimony, for child support, or for
6 alimony and child support.

7 ~~(12)(9)~~ "Obligor" means a person responsible for
8 making payments pursuant to an order establishing, enforcing,
9 or modifying an obligation for alimony, for child support, or
10 for alimony and child support.

11 ~~(13)(10)~~ "Payor" means an employer or former employer
12 or any other person or agency providing or administering
13 income to the obligor.

14 ~~(14)(11)~~ "Shared parental responsibility" means a
15 court-ordered relationship in which both parents retain full
16 parental rights and responsibilities with respect to their
17 child and in which both parents confer with each other so that
18 major decisions affecting the welfare of the child will be
19 determined jointly.

20 ~~(15)(12)~~ "Sole parental responsibility" means a
21 court-ordered relationship in which one parent makes decisions
22 regarding the minor child.

23 ~~(16)(13)~~ "State Case Registry" means the automated a
24 registry maintained by the Title IV-D agency, containing
25 records of each Title IV-D case and of each support order
26 established or modified in the state on or after October 1,
27 1998. Such records shall consist of data elements as required
28 by the United States Secretary of Health and Human Services.
29 ~~for information related to paternity and child support orders~~
30 ~~for Title IV-D. Beginning October 1, 1998, information~~
31

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

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

12 (18) "Support order" means a judgment, decree, or
13 order, whether temporary or final, issued by a court of
14 competent jurisdiction for the support and maintenance of a
15 child which provides for monetary support, health care,
16 arrearages, or past support.

17 Section 42. Subsections (1) and (2) and paragraph (a)
18 of subsection (3) of section 61.181, Florida Statutes, are
19 amended to read:

20 61.181 Central depository for receiving, recording,
21 reporting, monitoring, and disbursing alimony, support,
22 maintenance, and child support payments; fees.--

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

1 provided under a cooperative agreement with the department
2 pursuant to s. 61.1826. Each depository shall participate in
3 the State Disbursement Unit and shall implement all statutory
4 and contractual duties imposed on the State Disbursement Unit.
5 Each depository shall receive from and transmit to the State
6 Disbursement Unit required data through the Clerk of Court
7 Child Support Enforcement Collection System. Payments on
8 non-Title IV-D cases without income deduction orders shall not
9 be sent to the State Disbursement Unit ~~as provided by federal~~
10 law.

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

26 (b)1. For the period of July 1, 1992, through June 30,
27 2002 ~~1999~~, the fee imposed in paragraph (a) shall be increased
28 to 4 percent of the support payments which the party is
29 obligated to pay, except that no fee shall be more than \$5.25.
30 The fee shall be considered by the court in determining the
31 amount of support that the obligor is, or may be, required to

1 pay. Notwithstanding the provisions of s. 145.022, 75 percent
2 of the additional revenues generated by this paragraph shall
3 be remitted monthly to the Clerk of the Court Child Support
4 Enforcement Collection System Trust Fund administered by the
5 department as provided in subparagraph 2. These funds shall
6 be used exclusively for the development, implementation, and
7 operation of the Clerk of the Court ~~an automated~~ Child Support
8 Enforcement Collection ~~Collections~~ System to be operated by
9 the depositories, including the automation of civil case
10 information necessary for the State Case Registry. The
11 department shall contract with the Florida Association of
12 Court Clerks ~~and Comptrollers~~ and the depositories to design,
13 establish, operate, upgrade, and maintain the automation of
14 the depositories to include, but not be limited to, the
15 provision of on-line electronic transfer of information to the
16 IV-D agency as otherwise required by this chapter. The
17 department's obligation to fund the automation of the
18 depositories is limited to the state share of funds available
19 in the Clerk of the Court Child Support Enforcement Collection
20 System Trust Fund. Each depository created under this section
21 shall fully participate in the Clerk of the Court ~~automated~~
22 Child Support Enforcement Collection System ~~on or before July~~
23 ~~1, 1997,~~ and transmit data in a readable format as required by
24 the contract between the Florida Association of Court Clerks
25 ~~and Comptrollers~~ and the department. ~~The department may at~~
26 ~~its discretion exempt a depository from compliance with full~~
27 ~~participation in the automated child support enforcement~~
28 ~~collection system.~~

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

- 1 a. For each support payment of less than \$33, 18.75
2 cents.
- 3 b. For each support payment between \$33 and \$140, an
4 amount equal to 18.75 percent of the fee charged.
- 5 c. For each support payment in excess of \$140, 18.75
6 cents.
- 7 3. Prior to June 30, 1995, the depositories and the
8 department shall provide the Legislature with estimates of the
9 cost of continuing the collection and maintenance of
10 information required by this act.
- 11 4. The fees established by this section shall be set
12 forth and included in every order of support entered by a
13 court of this state which requires payment to be made into the
14 depository.
- 15 (3)(a) For payments not required to be processed
16 through the State Disbursement Unit,the depository shall
17 collect and distribute all support payments paid into the
18 depository to the appropriate party. On or after July 1, 1998,
19 if a payment is made on a Title IV-D case which is not
20 accompanied by the required transaction fee, the depository
21 shall not deduct any moneys from the support payment for
22 payment of the fee. Nonpayment of the required fee shall be
23 considered a delinquency, and when the total of fees and costs
24 which are due but not paid exceeds \$50, the judgment by
25 operation of law process set forth in s. 61.14(6)(a) shall
26 become applicable and operational. As part of its collection
27 and distribution functions, the depository shall maintain
28 records listing:
- 29 1. The obligor's name, address, social security
30 number, place of employment, and any other sources of income.
31

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

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

5 4. The schedule of payment as provided in the court
6 order.

7 5. The actual amount of each support payment received,
8 the date of receipt, the amount disbursed, and the recipient
9 of the disbursement.

10 6. The unpaid balance of any arrearage due as provided
11 in the court order.

12 7. Other records as necessary to comply with federal
13 reporting requirements.

14 Section 43. Section 61.1824, Florida Statutes, is
15 created to read:

16 61.1824 State Disbursement Unit.--

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

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

24 (b) All child support cases not being enforced by the
25 department pursuant to Title IV-D of the Social Security Act
26 in which the initial support order was issued in this state on
27 or after January 1, 1994, and in which the obligor's child
28 support obligation is being paid through income deduction.

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

1 (3) The State Disbursement Unit shall perform the
2 following functions:

3 (a) Disburse all receipts from intercepts, including,
4 but not limited to, United States Internal Revenue Service,
5 unemployment compensation, lottery, and administrative offset
6 intercepts.

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

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

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

16 1. Receipt of payments from obligors, employers, other
17 states and jurisdictions, and other entities.

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

20 3. Accurate identification of payment source and
21 amount.

22 4. Furnishing any parent, upon request, timely
23 information on the current status of support payments under an
24 order requiring payments to be made by or to the parent,
25 except that in cases described in paragraph (1)(b), prior to
26 the date the State Disbursement Unit becomes fully
27 operational, the State Disbursement Unit shall not be required
28 to convert and maintain in automated form records of payments
29 kept pursuant to s. 61.181.

30 (e) Information regarding disbursement must be
31 transmitted in the following manner:

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

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

21 (f) Reconcile all cash receipts and all disbursements
22 daily and provide the department with a daily reconciliation
23 report in a format as prescribed by the department.

24 (g) Disburse child support payments to foreign
25 countries as may be required.

26 (h) Receive and convert child support payments made in
27 foreign currency.

28 (i) Remit to the department payments for costs due the
29 department.

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

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

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

7 (m) Provide toll-free access to customer assistance
8 representatives and an automated voice response system that
9 will enable the parties to a child support case to obtain
10 payment information.

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

26 (5) Obligees receiving payments through the State
27 Disbursement Unit shall inform the State Disbursement Unit of
28 changes in their names and addresses. Notification of all
29 changes must be made directly to the State Disbursement Unit
30 within 7 business days after a change. In Title IV-D cases,
31 the State Disbursement Unit shall transmit the information to

1 the department, in an electronic format prescribed by the
2 department, within 1 business day after receipt.

3 Section 44. Section 61.1825, Florida Statutes, is
4 created to read:

5 61.1825 State Case Registry.--

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

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

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

15
16 The department shall maintain that part of the State Case
17 Registry that includes support order information for Title
18 IV-D cases on the department's child support enforcement
19 automated system.

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

28 (a) The name of the obligor, obligee, and child or
29 children;

30 (b) The social security number of the obligor,
31 obligee, and child or children;

1 (c) The date of birth of the obligor, obligee, and
2 child or children;

3 (d) Whether a family violence indicator is present or
4 if a court order has been entered against a party in a
5 domestic violence or protective action;

6 (e) The date the support order was established or
7 modified;

8 (f) The case identification number, which is the
9 two-digit numeric county code followed by the civil circuit
10 case number;

11 (g) The federal information processing system numeric
12 designation for the county and state where the support order
13 was established or modified; and

14 (h) Any other data as may be required by the United
15 States Secretary of Health and Human Services.

16 (3) The depository, using standardized data elements,
17 shall provide the support order information required by
18 subsection (2) to the entity that maintains the non-Title IV-D
19 support order information for the State Case Registry at a
20 frequency and in a format prescribed by the department.

21 (4) The entity that maintains State Case Registry
22 information for non-Title IV-D cases shall make the
23 information available to the department in a readable and
24 searchable electronic format that is compatible with the
25 department's automated child support enforcement system.

26 (5) State Case Registry information must be
27 transmitted electronically to the Federal Case Registry of
28 Child Support Orders by the department in a manner and
29 frequency prescribed by the United States Secretary of Health
30 and Human Services.

31

1 Section 45. Section 61.1826, Florida Statutes, is
2 created to read:

3 61.1826 Procurement of services for State Disbursement
4 Unit and the non-Title IV-D component of the State Case
5 Registry; contracts and cooperative agreements; penalties;
6 withholding payment.--

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

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

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

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

26 (d) Noncompliance with federal law could result in a
27 substantial loss of federal funds for the state's child
28 support enforcement program and the temporary assistance for
29 needy families welfare block grant.

30 (e) The potential loss of substantial federal funds
31 poses a direct and immediate threat to the health, safety, and

1 welfare of the children and citizens of the state and
2 constitutes an emergency for purposes of s. 287.057(3)(a).

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

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

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

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

18
19 For these reasons, the Legislature hereby directs the
20 Department of Revenue, subject to the provisions of subsection
21 (6), to contract with the Florida Association of Court Clerks
22 and each depository to perform duties with respect to the
23 operation and maintenance of a State Disbursement Unit and the
24 non-Title IV-D component of the State Case Registry as further
25 provided by this section.

26 (2) COOPERATIVE AGREEMENTS.--Each depository shall
27 enter into a standard cooperative agreement with the
28 department for participation in the State Disbursement Unit
29 and the non-Title IV-D component of the State Case Registry
30 through the Clerk of Court Child Support Enforcement
31 Collection System within 60 days after the effective date of

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

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

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

27 (a) The initial term of the contract and cooperative
28 agreements is for 5 years. The subsequent term of the contract
29 and cooperative agreements is for 3 years, with the option of
30 two 1-year renewal periods, at the sole discretion of the
31 department.

1 (b) The duties and responsibilities of the Florida
2 Association of Court Clerks, the depositories, and the
3 department.

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

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

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

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

1 quarterly to the department all claims for expenditures
2 submitted by the depositories for Title IV-D reimbursement.

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

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

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

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

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

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

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

31

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

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

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

10
11 If either event specified in paragraph (a) occurs, the
12 depositories are relieved of all responsibilities and duties
13 under this chapter relating to Title IV-D payment processing
14 and data transmission to the department.

15 (7) PARTICIPATION BY DEPOSITORIES.--

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

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

22 1. Use the CLERC System;

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

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

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

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

1 funds withheld by the department for noncompliance are
2 forfeited to the department. Withholding or forfeiture of
3 funds may be contested by filing a petition or request for a
4 hearing under the applicable provisions of chapter 120. For
5 the purposes of this section, no party to a dispute involving
6 less than \$5,000 in withheld or forfeited funds is deemed to
7 be substantially affected by the dispute or to have a
8 substantial interest in the decision resolving the dispute.

9 Section 46. Subsection (1) and paragraph (b) of
10 subsection (2) of section 382.013, Florida Statutes, as
11 amended by chapter 97-170, Laws of Florida, is hereby
12 repealed.

13 Section 47. This act shall take effect July 1, 1998,
14 except that section 1 shall take effect October 1, 1998.