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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:

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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.  
30  
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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.

31

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.