

By the Committee on Family Law & Children and  
Representatives Effman, Lynn, Sindler, Wise, Andrews,  
Harrington, Brown, Frankel, Sanderson, Chestnut and Albright

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

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

1 of the identity and whereabouts of certain  
2 persons; providing a penalty; amending s.  
3 443.1715, F.S., relating to disclosure of wage  
4 and unemployment compensation information;  
5 amending s. 741.04, F.S., relating to  
6 information required for issuance of a marriage  
7 license; amending s. 742.032, F.S., relating to  
8 requirements for notice and service of process;  
9 amending s. 743.07, F.S., relating to support  
10 for dependents 18 years of age or older;  
11 repealing s. 382.013(1) and (2)(b), F.S., as  
12 amended by ch. 97-170, Laws of Florida, to  
13 clarify legislative intent with respect to  
14 conflicting enactments; providing an effective  
15 date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Paragraph (b) of subsection (1) and  
20 paragraph (c) of subsection (9) of section 61.13, Florida  
21 Statutes, are amended to read:

22 61.13 Custody and support of children; visitation  
23 rights; power of court in making orders.--

24 (1)

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

1 coverage for the minor child when coverage is provided by the  
2 obligee. In either event, the court shall apportion the cost  
3 of coverage, and any noncovered medical, dental, and  
4 prescription medication expenses of the child, to both parties  
5 by adding the cost to the basic obligation determined pursuant  
6 to s. 61.30(6).

7 (9)

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

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

22 61.1301 Income deduction orders.--

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

26 (a) Upon the entry of an order establishing,  
27 enforcing, or modifying an obligation for alimony, for child  
28 support, or for alimony and child support, the court shall  
29 enter a separate order ~~include provisions~~ for income deduction  
30 if one has not been entered ~~of the alimony and/or child~~  
31 ~~support in the order~~. Copies of the orders shall be served on

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

10 1. In Title IV-D cases, the Title IV-D agency may  
11 implement income deduction by issuing an income deduction  
12 notice to the payor. The income deduction notice must state  
13 that it is based upon a valid support order and must contain  
14 the notice to payor provisions specified by paragraph (2)(e).  
15 Employers and other payors of income shall deduct support  
16 payments from income, as specified in the income deduction  
17 notice, in the same manner as support payments which are  
18 deducted pursuant to notices to payors. Upon request of a  
19 payor, the Title IV-D agency shall furnish the payor a copy of  
20 the income deduction order. In relation to income deduction  
21 notices generated during the period of July 1, 1997, through  
22 June 30, 1998, the Title IV-D agency may, in lieu of  
23 furnishing a copy of an income deduction order, furnish a copy  
24 of the order containing the provisions for income deduction if  
25 the provisions for income deduction are contained in the  
26 underlying support order.~~The income deduction shall be~~  
27 ~~implemented by serving an income deduction notice upon the~~  
28 ~~payor.~~

29 2. If a support order entered before January 1, 1994,  
30 ~~October 1, 1996,~~ in a non-Title IV-D case does not specify  
31 income deduction, income deduction may be initiated upon a

1 delinquency without the need for any amendment to the support  
2 order or any further action by the court. In such case the  
3 obligee may implement income deduction by serving a notice of  
4 delinquency on the obligor as provided for under paragraph  
5 (f).

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

8 1. Direct a payor to deduct from all income due and  
9 payable to an obligor the amount required by the court to meet  
10 the obligor's support obligation including any attorney's fees  
11 or costs owed and forward the deducted amount pursuant to the  
12 order.

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

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

23 4. Direct whether a payor shall deduct all, a  
24 specified portion, or no income which is paid in the form of a  
25 bonus or other similar one-time payment, up to the amount of  
26 arrearage reported in the income deduction notice or the  
27 remaining balance thereof, and forward the payment to the  
28 governmental depository. For purposes of this subparagraph,  
29 "bonus" means a payment in addition to an obligor's usual  
30 compensation and which is in addition to any amounts  
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1 contracted for or otherwise legally due and shall not include  
2 any commission payments due an obligor; and

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

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

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

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

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

20 b. There is a signed written agreement providing an  
21 alternative arrangement between the obligor and the obligee  
22 and, at the option of the IV-D agency, by the IV-D agency in  
23 IV-D cases in which there is an assignment of support rights  
24 to the state, reviewed and entered in the record by the court.

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

28 (e) Statement of obligor's rights. When the court  
29 orders the income deduction to be effective immediately, the  
30 court shall furnish to the obligor a statement of his or her  
31

1 rights, remedies, and duties in regard to the income deduction  
2 order. The statement shall state:

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

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

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

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

15 5. That enforcement of the income deduction order  
16 ~~notice~~ may only be contested on the ground of mistake of fact  
17 regarding the amount owed pursuant to the order establishing,  
18 enforcing, or modifying the obligation, the arrearages, or the  
19 identity of the obligor.

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

24 (f) Notice of delinquency. When the court orders the  
25 income deduction to be effective upon a delinquency as  
26 provided in subparagraph (a)2. or paragraph (c), the obligee  
27 or, in Title IV-D cases, the Title IV-D agency may enforce the  
28 income deduction by serving a notice of delinquency on the  
29 obligor.

30 1. The notice of delinquency shall state:

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- 1           a. The terms of the order establishing, enforcing, or  
2 modifying the obligation.
- 3           b. The period of delinquency and the total amount of  
4 the delinquency as of the date the notice is mailed.
- 5           c. All fees or interest which may be imposed.
- 6           d. The total amount of income to be deducted for each  
7 pay period until the arrearage, and all applicable fees and  
8 interest, is paid in full and shall state the total amount of  
9 income to be deducted for each pay period thereafter. The  
10 amounts deducted may not be in excess of that allowed under s.  
11 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.  
12 1673(b), as amended.
- 13           e. That the income deduction order ~~notice~~ applies to  
14 current and subsequent payors and periods of employment.
- 15           f. That a copy of the notice of delinquency will be  
16 served on the obligor's payor or payors, together with a copy  
17 of the income deduction order or, in Title IV-D cases, the  
18 income deduction notice, unless the obligor applies to the  
19 court to contest enforcement of the income deduction. The  
20 application shall be filed within 15 days after the date the  
21 notice of delinquency was served.
- 22           g. That enforcement of the income deduction order  
23 ~~notice~~ may only be contested on the ground of mistake of fact  
24 regarding the amount owed pursuant to the order establishing,  
25 enforcing, or modifying the obligation, the amount of  
26 arrearages, or the identity of the obligor.
- 27           h. That the obligor is required to notify the obligee  
28 of the obligor's current address and current payors and of the  
29 address of current payors. All changes shall be reported by  
30 the obligor within 7 days. If the IV-D agency is enforcing  
31

1 the order, the obligor shall make these notifications to the  
2 agency instead of to the obligee.

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

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

11 1. Modify, suspend, or terminate the income deduction  
12 order ~~notice~~ in accordance with a modification, suspension, or  
13 termination of the support provisions in the underlying order;  
14 or

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

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

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

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

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

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

21 2. When an obligor timely requests a hearing to  
22 contest enforcement of an income deduction order, the court,  
23 after due notice to all parties and the IV-D agency if the  
24 obligee is receiving IV-D services, shall hear the matter  
25 within 20 days after the application is filed. The court  
26 shall enter an order resolving the matter within 10 days after  
27 the hearing. A copy of this order shall be served on the  
28 parties and the IV-D agency if the obligee is receiving IV-D  
29 services. If the court determines that ~~service of an~~ income  
30 deduction ~~notice~~ is proper, it shall specify the date the  
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1 income deduction order ~~notice~~ must be served on the obligor's  
2 payor.

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

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

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

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

30 4. Instruct the payor to forward, within 2 days after  
31 each date the obligor is entitled to payment from the payor,

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

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

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

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

23           8. Instruct the payor that, when he or she no longer  
24 provides income to the obligor, he or she shall notify the  
25 obligee and shall also provide the obligor's last known  
26 address and the name and address of the obligor's new payor,  
27 if known; and that, if the payor violates this provision, the  
28 payor is subject to a civil penalty not to exceed \$250 for the  
29 first violation or \$500 for any subsequent violation. If the  
30 IV-D agency is enforcing the order, the payor shall make these  
31 notifications to the agency instead of to the obligee.

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

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

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

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

26           12. Inform the payor that, when the payor receives  
27 notices to payor or income deduction notices requiring that  
28 the income of two or more obligors be deducted and sent to the  
29 same depository, the payor may combine the amounts that are to  
30 be paid to the depository in a single payment as long as the  
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1 payments attributable to each obligor are clearly identified;  
2 and

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

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

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

26           (h)1. When an income deduction order is to be enforced  
27 against a payor located outside the state, the obligee who is  
28 receiving IV-D services or his or her agent shall promptly  
29 request the agency responsible for income deduction in the  
30 other state to enforce the income deduction order. The request  
31 shall contain all information necessary to enforce the income

1 deduction order, including the amount to be periodically  
2 deducted, a copy of the order establishing, enforcing, or  
3 modifying the obligation, and a statement of arrearages, if  
4 applicable.

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

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

21         4.a. The procedural rules and laws of this state  
22 govern the procedural aspects of income deduction whenever the  
23 agency responsible for income deduction in another state  
24 requests the enforcement of an income deduction order in this  
25 state.

26         b. Except with respect to when withholding must be  
27 implemented, which is controlled by the state where the order  
28 establishing, enforcing, or modifying the obligation was  
29 entered, the substantive law of this state shall apply  
30 whenever the agency responsible for income deduction in  
31



1 another state requests the enforcement of an income deduction  
2 in this state.

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

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

26 (j)1. A person may not discharge, refuse to employ, or  
27 take disciplinary action against an employee because of the  
28 enforcement of an income deduction order. An employer who  
29 violates this subsection is subject to a civil penalty not to  
30 exceed \$250 for the first violation or \$500 for any subsequent  
31 violation. Penalties shall be paid to the obligee or the IV-D

1 agency, whichever is enforcing the income deduction ~~order~~, if  
2 any alimony or child support is owing. If no alimony or child  
3 support is owing, the penalty shall be paid to the obligor.

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

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

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

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

27         (a) For computation purposes, ~~the court shall convert~~  
28 all obligations must be converted to a common payroll  
29 frequency and ~~determine~~ the percentage of deduction allowed  
30 under s. 303(b) of the Consumer Credit Protection Act, 15  
31 U.S.C. s. 1673(b), as amended, must be determined. ~~The court~~

1 ~~shall determine~~ The amount of income available for deduction  
2 is determined by multiplying that percentage ~~figure~~ by the  
3 obligor's net income ~~and determine the sum of all of the~~  
4 ~~support obligations.~~

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

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

1 ~~obligation by multiplying the prorated percentage for each~~  
2 ~~support obligation by the amount of income available for~~  
3 ~~deduction. The court shall then order that the resultant~~  
4 ~~amount for each support obligation shall be deducted from the~~  
5 ~~obligor's income.~~

6 Section 3. Subsection (12) is added to section 61.181,  
7 Florida Statutes, to read:

8 61.181 Central depository for receiving, recording,  
9 reporting, monitoring, and disbursing alimony, support,  
10 maintenance, and child support payments; fees.--

11 (12) The Office of Program Policy Analysis and  
12 Government Accountability is directed to evaluate the Dade  
13 County Child Support Enforcement demonstration project  
14 administered by the state attorney for the eleventh judicial  
15 circuit, and the Manatee County Child Support Enforcement  
16 demonstration project administered by the clerk of the circuit  
17 court. The office shall report its findings to the Governor,  
18 the President of the Senate, and the Speaker of the House of  
19 Representatives, no later than January 1, 1999.

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

23 61.30 Child Support guidelines; retroactive child  
24 support.--

25 (1)(a) The child support guideline amount as  
26 determined by this section presumptively establishes the  
27 amount the trier of fact shall order as child support in an  
28 initial proceeding for such support or in a proceeding for  
29 modification of an existing order for such support, whether  
30 the proceeding arises under this or another chapter. The  
31 trier of fact may order payment of child support which varies,

1 plus or minus 5 percent, from the guideline amount, after  
2 considering all relevant factors, including the needs of the  
3 child or children, age, station in life, standard of living,  
4 and the financial status and ability of each parent. The  
5 trier of fact may order payment of child support in an amount  
6 which varies more than 5 percent from such guideline amount  
7 only upon a written finding, ~~or a specific finding on the~~  
8 ~~record,~~ explaining why ordering payment of such guideline  
9 amount would be unjust or inappropriate. In all orders entered  
10 under this section, there shall be a standard paragraph to  
11 include:

- 12 1. The number of children in the support case.
- 13 2. The net income of each parent.
- 14 3. The payment amount prescribed by the guidelines.
- 15 4. How much support the judge awarded.
- 16 5. When applicable, an explanation of why the judge  
17 did not follow statutory guidelines.

18 (8) Health insurance costs resulting from coverage  
19 ordered pursuant to s. 61.13(1)(b), and any noncovered  
20 medical, dental, and prescription medication expenses of the  
21 child, shall be added to the basic obligation. After the  
22 health insurance costs are added to the basic obligation, any  
23 moneys prepaid by the noncustodial parent for health insurance  
24 for the child or children of this action shall be deducted  
25 from that noncustodial parent's child support obligation for  
26 that child or those children.

27 (17) In an initial determination of child support,  
28 whether in a paternity action, dissolution of marriage action,  
29 or petition for support during the marriage, the court has  
30 discretion to award child support retroactive to the date when  
31 the parents did not reside together in the same household with

1 the child, not to exceed a period of 2 calendar years,  
2 regardless of whether that date precedes the filing of the  
3 petition. In determining the retroactive award in such cases,  
4 the court shall consider the following:

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

12 (b) All actual payments made by the noncustodial  
13 parent to the custodial parent or the child or third parties  
14 for the benefit of the child throughout the proposed  
15 retroactive period.

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

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

20 69.041 State named party; lien foreclosure, suit to  
21 quiet title.--

22 (4)(a) The Department of Revenue has the right to  
23 participate in the disbursement of funds remaining in the  
24 registry of the court after distribution pursuant to s.  
25 45.031(7). The department shall participate in accordance with  
26 applicable procedures in any mortgage foreclosure action in  
27 which the department has a duly filed tax warrant, or  
28 interests under a lien arising from a judgment, order, or  
29 decree for child support, against the subject property and  
30 with the same priority, regardless of whether a default  
31

1 against the department has been entered for failure to file an  
2 answer or other responsive pleading.

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

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

18 319.24 Issuance in duplicate; delivery; liens and  
19 encumbrances.--

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

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

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

15 319.32 Fees; service charges; disposition.--

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

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

21 372.561 Issuance of licenses to take wild animal life  
22 or freshwater aquatic life; costs; reporting.--

23 (2) The commission shall issue licenses and permits to  
24 take wild animal life or freshwater aquatic life upon proof by  
25 the applicant for licensure that she or he is entitled to such  
26 license or permit. The commission shall establish the forms  
27 for such licenses and permits. Each applicant for a license,  
28 permit, or authorization shall provide the applicant's social  
29 security number on the application form. Disclosure of social  
30 security numbers obtained through this requirement shall be  
31 limited to the purpose of administration of the Title IV-D



1 program for child support enforcement and use by the  
2 commission, and as otherwise provided by law.

3 Section 9. The introductory paragraph of section  
4 372.57, Florida Statutes, is amended to read:

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

1 for a lifetime license for residents 12 years of age and  
2 younger. Each applicant for a license, permit, or  
3 authorization shall provide the applicant's social security  
4 number on the application form. Disclosure of social security  
5 numbers obtained through this requirement shall be limited to  
6 the purpose of administration of the Title IV-D child support  
7 enforcement program and use by the commission, and as  
8 otherwise provided by law.

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

11 382.008 Death and fetal death registration.--

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

25 Section 11. Section 382.013, Florida Statutes, is  
26 amended to read:

27 382.013 Birth registration.--A certificate for each  
28 live birth that occurs in this state shall be filed within 5  
29 days after such birth with the local registrar of the district  
30 in which the birth occurred and shall be registered by the  
31 local registrar if the certificate has been completed and

1 filed in accordance with this chapter and adopted rules. The  
2 information regarding registered births shall be used for  
3 comparison with information in the state case registry, as  
4 defined in chapter 61.

5 (1) FILING.--

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

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

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

21 2. In the absence of persons described in subparagraph  
22 1., any other person in attendance during or immediately after  
23 the birth.

24 3. In the absence of persons described in subparagraph  
25 2., the father or mother.

26 4. In the absence of the father and the inability of  
27 the mother, the person in charge of the premises where the  
28 birth occurred.

29 (c) If a birth occurs in a moving conveyance and the  
30 child is first removed from the conveyance in this state, the  
31 birth shall be filed and registered in this state and the

1 place to which the child is first removed shall be considered  
2 the place of birth.

3 (d) At least one of the parents of the child shall  
4 attest to the accuracy of the personal data entered on the  
5 certificate in time to permit the timely registration of the  
6 certificate.

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

13 (2) PATERNITY.--

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

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

23 (c) If the mother is not married at the time of birth,  
24 the name of the father may not be entered on the birth  
25 certificate without the execution of a consenting affidavit  
26 signed by both the mother and the person to be named as the  
27 father. After giving notice orally or through the use of  
28 video or audio equipment, and in writing, of the alternatives  
29 to, the legal consequences of, and the rights, including, if  
30 one parent is a minor, any rights afforded due to minority  
31 status, and responsibilities that arise from signing an

1 acknowledgment of paternity, the facility shall provide the  
2 mother and the person to be named as the father with the  
3 affidavit, as well as information provided by the Title IV-D  
4 agency established pursuant to s. 409.2557, regarding the  
5 benefits of voluntary establishment of paternity. Upon  
6 request of the mother and the person to be named as the  
7 father, the facility shall assist in the execution of the  
8 affidavit.

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

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

19 (3) NAME OF CHILD.--

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

25 (b) If the mother and father whose names are entered  
26 on the birth certificate disagree on the surname of the child  
27 and both parents have custody of the child, the surname  
28 selected by the father and the surname selected by the mother  
29 shall both be entered on the birth certificate, separated by a  
30 hyphen, with the selected names entered in alphabetical order.  
31 If the parents disagree on the selection of a given name, the

1 given name may not be entered on the certificate until a joint  
2 agreement that lists the agreed upon given name and is  
3 notarized by both parents is submitted to the department, or  
4 until a given name is selected by a court.

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

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

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

27 (5) DISCLOSURE.--The original certificate of live  
28 birth shall contain all the information required by the  
29 department for legal, social, and health research purposes.  
30 However, all information concerning parentage, marital status,  
31 and medical details shall be confidential and exempt from the

1 provisions of s. 119.07(1), except for health research  
2 purposes as approved by the department, nor shall copies of  
3 the same be issued except as provided in s. 382.025.

4 Section 12. Subsection (3) is added to section  
5 409.2557, Florida Statutes, to read:

6 409.2557 State agency for administering child support  
7 enforcement program.--

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

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

15 (b) Confidentiality and retention of department  
16 records; access to records; and record requests.

17 (c) Department trust funds.

18 (d) Federal funding requirements and procedures.

19 (e) Agreements with law enforcement and other state  
20 agencies; National Crime Information Center (NCIC) access; and  
21 parent locator service access.

22 (f) Agreements with child support obligors in  
23 establishment, enforcement, and modification proceedings.

24 (g) Department contracts, pilot programs, and  
25 demonstration projects.

26 (h) Legal and casework procedures, including, but not  
27 limited to, mediation, diligent search, stipulations,  
28 consents, surrenders, and defaults, in establishment,  
29 enforcement, and modification proceedings.

30 (i) Legal and casework management of cases involving  
31 any documentation or procedures required by federal or state

1 law, including, but not limited to: cooperation; review and  
2 adjustment; audits; and interstate actions.

3 (j) Administrative procedures, including, but not  
4 limited to: orders for genetic testing; subpoenas to  
5 establish, enforce, or modify orders; increasing the amount of  
6 monthly obligations to secure delinquent support; suspending  
7 or denying driver's and professional licenses and  
8 certificates; fishing and hunting license suspensions;  
9 suspending vehicle and vessel registrations; and screening  
10 applicants for new or renewal licenses, registrations, or  
11 certificates.

12 (k) Collection and disbursement of child support and  
13 alimony payments, and collection of genetic testing costs and  
14 other costs awarded by the court.

15 (l) Reporting information to and receiving information  
16 from other agencies and entities.

17 (m) Providing location services, including accessing  
18 from and reporting to federal and state agencies.

19 (n) Privatizing location, establishment, enforcement,  
20 modification, and other functions.

21 (o) State case registry.

22 (p) State disbursement unit.

23 (q) Other enforcement activities, including, but not  
24 limited to: income deduction; credit reporting and accessing;  
25 tax refund intercepts; passport denials; liens; and financial  
26 institution data matches.

27 (r) Expedited procedures.

28 (s) Medical support.

29 (t) Any and all other responsibilities as required by  
30 state and federal law.

31



1           Section 13. Section 409.2558, Florida Statutes, is  
2 created to read:

3           409.2558 Child support distribution and  
4 disbursement.--The department shall distribute and disburse  
5 child support payments collected in Title IV-D cases in  
6 accordance with 42 U.S.C. s. 657 and regulations adopted  
7 thereunder by the Secretary of the United States Department of  
8 Health and Human Services.

9           Section 14. Section 409.2559, Florida Statutes, is  
10 created to read:

11           409.2559 State disbursement unit.--The department  
12 shall establish and operate a state disbursement unit by  
13 October 1, 1999, as required by 42 U.S.C. s. 654(27).

14           Section 15. Subsection (1) of section 409.2561,  
15 Florida Statutes, is amended to read:

16           409.2561 Child support obligations when public  
17 assistance is paid ~~Public assistance payments; reimbursement~~  
18 ~~of obligation to department; assignment of rights;~~  
19 ~~subrogation; medical and health insurance information.--~~

20           (1) Any payment of public assistance money made to, or  
21 for the benefit of, any dependent child creates an obligation  
22 in an amount determined pursuant to s. 61.30 ~~equal to the~~  
23 ~~amount of public assistance paid.~~ In accordance with 42 U.S.C.  
24 s. 657, the state shall retain amounts collected only to the  
25 extent necessary to reimburse amounts paid to the family as  
26 assistance by the state. If there has been a prior court order  
27 or final judgment of dissolution of marriage establishing an  
28 obligation of support, the obligation is limited to the amount  
29 provided by such court order or decree. ~~pursuant to the~~  
30 ~~applicable child support guidelines in s. 61.30.~~ The obligor  
31 shall discharge the reimbursement obligation. If the obligor

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

19 Section 16. Subsections (8) and (9) of section  
20 409.2564, Florida Statutes, are amended to read:

21 409.2564 Actions for support.--

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

28 (a) For the purpose of establishing, modifying, or  
29 enforcing a child support order, the director of the Title  
30 IV-D agency or any employee designated by the director ~~any~~  
31 ~~investigation under this chapter, any designated employee may~~

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

10 (b) Subpoenas issued by the Title IV-D agency may be  
11 challenged in accordance with s. 120.569(2)(i)1. While a  
12 subpoena is being challenged, the Title IV-D agency may not  
13 impose a fine as provided for under paragraph (c) until the  
14 challenge is complete and the subpoena has been found to be  
15 valid.

16 (c)(b) The Title IV-D agency is authorized to impose a  
17 fine for failure to comply with a subpoena. Failure to comply  
18 with the subpoena or challenge the subpoena as provided for in  
19 paragraph (b) within 15 days after service of the subpoena  
20 Prior to imposition of a fine, the department shall issue a  
21 written notification of noncompliance. Failure to comply  
22 within 15 days of receipt of the written notification without  
23 good cause may result in the agency taking the following  
24 actions:

25 1. Imposition of an administrative fine of not more  
26 than \$500.†

27 2. Enforcement of the subpoena as provided in s.  
28 120.569(2)(i)2. When a subpoena is enforced pursuant to s.  
29 120.569(2)(i)2. the court may award costs and fees to the  
30 prevailing party in accordance with that section.~~The~~  
31 ~~application by the Title IV-D agency to the circuit court for~~

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

7 (d) The Title IV-D agency may seek to collect  
8 administrative fines imposed pursuant to paragraph (c) by  
9 filing a petition in the circuit court of the judicial circuit  
10 in which the person against whom the fine was imposed resides.

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

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

19 Section 17. Subsection (1) of section 409.25641,  
20 Florida Statutes, is amended to read:

21 409.25641 Procedures for processing automated  
22 administrative interstate enforcement requests.--

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

31

1 ~~agency shall respond within 5 business days to a request from~~  
2 ~~another state to enforce a support order.~~

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

5 409.25658 Use of unclaimed property for past-due child  
6 support.--

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

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

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

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

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

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

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

18 409.2567 Services to individuals not otherwise  
19 eligible.--All child support services provided by the  
20 department shall be made available on behalf of all dependent  
21 children. Services shall be provided upon acceptance of public  
22 assistance or upon proper application filed with the  
23 department. The department shall adopt rules to provide for  
24 the payment of a \$25 application fee from each applicant who  
25 is not a public assistance recipient. The application fee  
26 shall be deposited in the Child Support Enforcement  
27 Application and Program Revenue ~~User Fee~~ Trust Fund within the  
28 Department of Revenue to be used for the Child Support  
29 Enforcement Program. The obligor is responsible for all  
30 administrative costs, as defined in s. 409.2554. The court  
31 shall order payment of administrative costs without requiring

1 the department to have a member of the bar testify or submit  
2 an affidavit as to the reasonableness of the costs. An  
3 attorney-client relationship exists only between the  
4 department and the legal services providers in Title IV-D  
5 cases. The attorney shall advise the obligee in Title IV-D  
6 cases that the attorney represents the agency and not the  
7 obligee. In Title IV-D cases, any costs, including filing  
8 fees, recording fees, mediation costs, service of process  
9 fees, and other expenses incurred by the clerk of the circuit  
10 court, shall be assessed only against the nonprevailing  
11 obligor after the court makes a determination of the  
12 nonprevailing obligor's ability to pay such costs and fees. In  
13 any case where the court does not award all costs, the court  
14 shall state in the record its reasons for not awarding the  
15 costs. The Department of Revenue shall not be considered a  
16 party for purposes of this section; however, fees may be  
17 assessed against the department pursuant to s. 57.105(1). The  
18 department shall submit a monthly report to the Governor and  
19 the chairs of the Health and Human Services Fiscal  
20 ~~Appropriations~~ Committee of the House of Representatives and  
21 the Ways and Means Committee of the Senate specifying the  
22 funds identified for collection from the noncustodial parents  
23 of children receiving temporary assistance and the amounts  
24 actually collected.

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

27 409.2572 Cooperation.--

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

1           Section 21. Section 409.2575, Florida Statutes, is  
2 amended to read:

3           409.2575 Liens on motor vehicles and vessels.--

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

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

19           Section 22. Paragraph (c) of subsection (3) of section  
20 409.2576, Florida Statutes, is amended to read:

21           409.2576 State Directory of New Hires; definitions;  
22 furnishing reports and data; matches to state registry;  
23 service of deduction notices; national registry; disclosure of  
24 information; rulemaking authority.--

25           (3) EMPLOYERS TO FURNISH REPORTS.--

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



1 child support enforcement and those programs listed in  
2 subsection (9).

3 (9) DISCLOSURE OF INFORMATION.--

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

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

9 2. The Medicaid program under Title XIX of the Social  
10 Security Act;

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

13 4. The food stamp program under the Food Stamp Act of  
14 1977; and

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

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

25 Section 23. Paragraph (b) of subsection (2) and  
26 subsection (3) of section 409.2578, Florida Statutes, are  
27 amended to read:

28 409.2578 Access to employment information;  
29 administrative fine.--

30 (2) Prior to imposition of a fine, the department  
31 shall issue a written notification of noncompliance. Failure

1 to comply with the request within 15 days of receipt of the  
2 written notification without good cause may result in the  
3 agency taking the following actions:

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

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

14 Section 24. Subsections (1), (3), (4), and (5) of  
15 section 409.2579, Florida Statutes, are amended to read:

16 409.2579 Safeguarding Title IV-D case file  
17 information.--

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

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

28 (b) Any investigation, prosecution, or criminal or  
29 civil proceeding connected with the administration of any such  
30 plan or program;

31

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

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

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

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

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

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

30 (6) Any person who willfully and knowingly violates  
31 any of the provisions of this section is guilty of a

1 misdemeanor of the first degree punishable as provided in s.  
2 775.082 or s. 775.083.

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

5 414.095 Determining eligibility for the WAGES  
6 Program.--

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

15 (a) Assisting in identifying and locating a  
16 noncustodial parent and providing complete and accurate  
17 information on that parent;

18 (b) Assisting in establishing paternity; and

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

21

22 This subsection does not apply if the state agency that  
23 administers the child support enforcement program determines  
24 that the parent or caretaker relative has good cause for  
25 failing to cooperate.

26 Section 26. Paragraph (a) of subsection (1) of section  
27 414.32, Florida Statutes, is amended to read:

28 414.32 Prohibitions and restrictions with respect to  
29 food stamps.--

30 (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT  
31 AGENCY.--

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

14           Section 27. Paragraph (b) of subsection (3) of section  
15 443.051, Florida Statutes, is amended to read:

16           443.051 Benefits not alienable; exception, child  
17 support intercept.--

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

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

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

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

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

1           Section 28. Subsection (2) of section 443.1715,  
2 Florida Statutes, is amended to read:  
3           443.1715 Disclosure of information; confidentiality.--  
4           (2) DISCLOSURE OF INFORMATION.--Subject to such  
5 restrictions as the division prescribes by rule, information  
6 declared confidential under this section may be made available  
7 to any agency of this or any other state, or any federal  
8 agency, charged with the administration of any unemployment  
9 compensation law or the maintenance of a system of public  
10 employment offices, or the Bureau of Internal Revenue of the  
11 United States Department of the Treasury, or the Florida  
12 Department of Revenue and information obtained in connection  
13 with the administration of the employment service may be made  
14 available to persons or agencies for purposes appropriate to  
15 the operation of a public employment service or a  
16 job-preparatory or career education or training program. The  
17 division shall on a quarterly basis, furnish the National  
18 Directory of New Hires with information ~~extracts of the~~  
19 ~~reports required under s. 303(a)(6) of the Social Security Act~~  
20 ~~(42 U.S.C. s. 503) to be made to the Secretary of Labor~~  
21 concerning the wages and unemployment compensation paid to  
22 individuals, by such dates, in such format and containing such  
23 information as the Secretary of Health and Human Services  
24 shall specify in regulations. Upon request therefor, the  
25 division shall furnish any agency of the United States charged  
26 with the administration of public works or assistance through  
27 public employment, and may furnish to any state agency  
28 similarly charged, the name, address, ordinary occupation, and  
29 employment status of each recipient of benefits and such  
30 recipient's rights to further benefits under this chapter.  
31 Except as otherwise provided by law, the receiving agency must

1 retain the confidentiality of such information as provided in  
2 this section. The division may request the Comptroller of the  
3 Currency of the United States to cause an examination of the  
4 correctness of any return or report of any national banking  
5 association rendered pursuant to the provisions of this  
6 chapter and may in connection with such request transmit any  
7 such report or return to the Comptroller of the Currency of  
8 the United States as provided in s. 3305(c) of the federal  
9 Internal Revenue Code.

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

12 455.213 General licensing provisions.--

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

22 Section 30. Section 741.04, Florida Statutes, is  
23 amended to read:

24 741.04 Marriage license issued.--No county court judge  
25 or clerk of the circuit court in this state shall issue a  
26 license for the marriage of any person unless there shall be  
27 first presented and filed with him or her an affidavit in  
28 writing, signed by both parties to the marriage, providing the  
29 social security numbers or other identification numbers of  
30 each party, made and subscribed before some person authorized  
31 by law to administer an oath, reciting the true and correct

1 ages of such parties; unless both such parties shall be over  
2 the age of 18 years, except as provided in s. 741.0405; and  
3 unless one party is a male and the other party is a female.  
4 Pursuant to the federal Personal Responsibility and Work  
5 Opportunity Reconciliation Act of 1996, each party is required  
6 to provide his or her social security number in accordance  
7 with this section. However, when an individual is not a  
8 citizen of the United States and does not have a social  
9 security number, alien registration documentation, or other  
10 proof of immigration registration from the United States  
11 Immigration and Naturalization Service that contains the  
12 individual's alien admission number or alien file number, or  
13 such other documents as the state determines constitutes  
14 reasonable evidence indicating a satisfactory immigration  
15 status, shall be provided in lieu of the social security  
16 number. Disclosure of social security numbers or other  
17 identification numbers obtained through this requirement shall  
18 be limited to the purpose of administration of the Title IV-D  
19 program for child support enforcement.

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

22 742.032 Filing of location information.--

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



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

4 Section 32. Subsection (2) of section 743.07, Florida  
5 Statutes, is amended to read:

6 743.07 Rights, privileges, and obligations of persons  
7 18 years of age or older.--

8 (2) This section shall not prohibit any court of  
9 competent jurisdiction from requiring support for a dependent  
10 person beyond the age of 18 years when such dependency is  
11 because of a mental or physical incapacity which began prior  
12 to such person reaching majority or if the person is dependent  
13 in fact, is between the ages of 18 and 20 ~~19~~, and is still in  
14 high school, performing in good faith with a reasonable  
15 expectation of graduation before the age of 20 ~~19~~.

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

20 Section 34. This act shall take effect July 1 of the  
21 year in which enacted.

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HOUSE SUMMARY

Revises and conforms to federal requirements various provisions of law relating to child support enforcement. Authorizes Department of Revenue participation in mortgage foreclosures based upon interests in child support liens. Provides for the department's distribution and disbursement of child support payments, and establishes a state disbursement unit pursuant to federal law. Provides procedures, in conjunction with the Department of Banking and Finance, for the department's use of certain unclaimed property for past-due child support. Revises procedures relating to subpoenas for child support actions, and provides for challenges, enforcement, and fines for failure to comply with subpoenas. Revises provisions which prohibit disclosure of the identity and whereabouts of persons receiving child support services, for which a first degree misdemeanor penalty applies.

Requires applicants for certain game and freshwater fish licenses to provide their social security numbers, and requires death and fetal death registrations to include social security numbers, if available, and restricts the use of such social security numbers. Authorizes the department to make determinations of good cause for a WAGES recipient's failure to cooperate with child support enforcement. Authorizes acceptance of certain information in lieu of social security numbers for issuance of marriage licenses to noncitizens. See bill for details.