

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 amending s. 61.046, F.S.; revising definitions;  
 12 amending s. 61.181, F.S.; providing for  
 13 processing of certain central depository  
 14 payments through the Department of Revenue's  
 15 State Disbursement Unit; continuing a fee  
 16 through a specified date; providing for the use  
 17 of funds; creating s. 61.1824, F.S.; providing  
 18 for a State Disbursement Unit; providing  
 19 responsibilities; creating s. 61.1825, F.S.;  
 20 providing for operation of a State Case  
 21 Registry; providing requirements; creating s.  
 22 61.1826, F.S.; providing legislative findings;  
 23 providing for department cooperative agreements  
 24 and contracts for operation of the State  
 25 Disbursement Unit and the non-Title IV-D  
 26 component of the State Case Registry; providing  
 27 contract requirements; providing for  
 28 performance reviews; requiring a report;  
 29 providing for termination of contracts under  
 30 specified conditions; providing for report of  
 31 program income; providing penalties;

1 authorizing the department to withhold funds  
2 for noncompliance with contractual terms;  
3 requiring notice; providing for a corrective  
4 action plan; creating s. 61.1827, F.S.;  
5 providing rulemaking authority; repealing s.  
6 382.013(1) and (2)(b), F.S., as amended by ch.  
7 97-170, Laws of Florida, to clarify legislative  
8 intent with respect to conflicting enactments;  
9 providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Paragraph (b) of subsection (1) and  
14 paragraph (c) of subsection (9) of section 61.13, Florida  
15 Statutes, are amended to read:

16 61.13 Custody and support of children; visitation  
17 rights; power of court in making orders.--

18 (1)

19 (b) Each order for child support shall contain a  
20 provision for health insurance for the minor child when the  
21 insurance is reasonably available. Insurance is reasonably  
22 available if either the obligor or obligee has access at a  
23 reasonable rate to group insurance. The court may require the  
24 obligor either to provide health insurance coverage or to  
25 reimburse the obligee for the cost of health insurance  
26 coverage for the minor child when coverage is provided by the  
27 obligee. In either event, the court shall apportion the cost  
28 of coverage, and any noncovered medical, dental, and  
29 prescription medication expenses of the child, to both parties  
30 by adding the cost to the basic obligation determined pursuant  
31 to s. 61.30(6).

1 (9)

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

14 Section 2. Section 61.1301, Florida Statutes, is  
15 amended to read:

16 61.1301 Income deduction orders.--

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

20 (a) Upon the entry of an order establishing,  
21 enforcing, or modifying an obligation for alimony, for child  
22 support, or for alimony and child support, the court shall  
23 enter a separate order ~~include provisions~~ for income deduction  
24 if one has not been entered of the alimony and/or child  
25 ~~support in the order~~. Copies of the orders shall be served on  
26 the obligee and obligor. If the order establishing,  
27 enforcing, or modifying the obligation directs ~~shall direct~~  
28 that payments be made through the depository, the court shall  
29 provide to the depository a copy of the order establishing,  
30 enforcing, or modifying the obligation. If the obligee is a  
31 recipient of Title IV-D services applicant, the court shall

1 furnish to the Title IV-D agency a copy of the income  
2 deduction order and the order establishing, enforcing, or  
3 modifying the obligation.

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

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

31

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

3           1. Direct a payor to deduct from all income due and  
4 payable to an obligor the amount required by the court to meet  
5 the obligor's support obligation including any attorney's fees  
6 or costs owed and forward the deducted amount pursuant to the  
7 order.

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

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

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

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

30           (c) The income deduction order is effective  
31 immediately unless the court upon good cause shown finds that

1 the income deduction order shall be effective upon a  
2 delinquency in an amount specified by the court but not to  
3 exceed 1 month's payment, pursuant to the order establishing,  
4 enforcing, or modifying the obligation. In order to find good

5 cause, the court must at a minimum make written findings that:

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

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

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

14 b. There is a signed written agreement providing an  
15 alternative arrangement between the obligor and the obligee  
16 and, at the option of the IV-D agency, by the IV-D agency in  
17 IV-D cases in which there is an assignment of support rights  
18 to the state, reviewed and entered in the record by the court.

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

22 (e) Statement of obligor's rights. When the court  
23 orders the income deduction to be effective immediately, the  
24 court shall furnish to the obligor a statement of his or her  
25 rights, remedies, and duties in regard to the income deduction  
26 order. The statement shall state:

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

28 2. The total amount of income to be deducted for each  
29 pay period until the arrearage, if any, is paid in full and  
30 shall state the total amount of income to be deducted for each  
31 pay period thereafter. The amounts deducted may not be in



1 excess of that allowed under s. 303(b) of the Consumer Credit  
2 Protection Act, 15 U.S.C. s. 1673(b), as amended.

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

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

8 5. 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 arrearages, or the  
12 identity of the obligor.

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

17 (f) Notice of delinquency. When the court orders the  
18 income deduction to be effective upon a delinquency as  
19 provided in subparagraph (a)2. or paragraph (c), the obligee  
20 or, in Title IV-D cases, the Title IV-D agency may enforce the  
21 income deduction by serving a notice of delinquency on the  
22 obligor.

23 1. The notice of delinquency shall state:

24 a. The terms of the order establishing, enforcing, or  
25 modifying the obligation.

26 b. The period of delinquency and the total amount of  
27 the delinquency as of the date the notice is mailed.

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

29 d. The total amount of income to be deducted for each  
30 pay period until the arrearage, and all applicable fees and  
31 interest, is paid in full and shall state the total amount of

1 income to be deducted for each pay period thereafter. The  
2 amounts deducted may not be in excess of that allowed under s.  
3 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.  
4 1673(b), as amended.

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

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

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

19 h. That the obligor is required to notify the obligee  
20 of the obligor's current address and current payors and of the  
21 address of current payors. All changes shall be reported by  
22 the obligor within 7 days. If the IV-D agency is enforcing  
23 the order, the obligor shall make these notifications to the  
24 agency instead of to the obligee.

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

31

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

3 1. Modify, suspend, or terminate the income deduction  
4 order ~~notice~~ in accordance with a modification, suspension, or  
5 termination of the support provisions in the underlying order;  
6 or

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

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

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

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

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

25 (c)1. The obligor, within 15 days after service of a  
26 notice of delinquency, may apply for a hearing to contest the  
27 enforcement of the income deduction on the ground of mistake  
28 of fact regarding the amount owed pursuant to an order  
29 establishing, enforcing, or modifying an obligation for  
30 alimony, for child support, or for alimony and child support,  
31 the amount of the arrearage, or the identity of the obligor.

1 The obligor shall send a copy of the pleading to the obligee  
2 and, if the obligee is receiving IV-D services, to the IV-D  
3 agency. The timely filing of the pleading shall stay ~~the~~  
4 service of an income deduction order or, in Title IV-D cases,  
5 income deduction notice on all payors of the obligor until a  
6 hearing is held and a determination is made as to whether  
7 enforcement of the income deduction order is proper. The  
8 payment of a delinquent obligation by an obligor upon entry  
9 ~~issuance~~ of an income deduction order ~~notice~~ shall not  
10 preclude service of the income deduction order or, in Title  
11 IV-D cases, income deduction notice on the obligor's payor.

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

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

31

1           (e) Notice to payor and income deduction notice. The  
2 notice to payor or, in Title IV-D cases, income deduction  
3 notice shall contain only information necessary for the payor  
4 to comply with the order providing for income deduction. The  
5 notice shall:

6           1. Provide the obligor's social security number.

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

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

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

31

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

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

9           7. State that the notice to payor or, in Title IV-D  
10 cases, income deduction notice, and in the case of a  
11 delinquency the notice of delinquency, are binding on the  
12 payor until further notice by the obligee, IV-D agency, or the  
13 court or until the payor no longer provides income to the  
14 obligor;

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

26           9. State that the payor shall not discharge, refuse to  
27 employ, or take disciplinary action against an obligor because  
28 of the requirement for ~~an income deduction notice~~ and shall  
29 state that a violation of this provision subjects the payor to  
30 a civil penalty not to exceed \$250 for the first violation or  
31 \$500 for any subsequent violation. Penalties shall be paid to

1 the obligee or the IV-D agency, whichever is enforcing the  
2 income deduction ~~notice~~, if any alimony or child support  
3 obligation is owing. If no alimony or child support obligation  
4 is owing, the penalty shall be paid to the obligor;

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

11 11. Inform the payor that the requirement for income  
12 deduction ~~notice~~ has priority over all other legal processes  
13 under state law pertaining to the same income and that  
14 payment, as required by the notice to payor or income  
15 deduction notice, is a complete defense by the payor against  
16 any claims of the obligor or his or her creditors as to the  
17 sum paid;

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

25 13. Inform the payor that if the payor receives more  
26 than one notice to payor or income deduction notice against  
27 the same obligor, the payor shall contact the court or, in  
28 Title IV-D cases, the Title IV-D agency for further  
29 instructions. Upon being so contacted, the court or, in Title  
30 IV-D cases, the Title IV-D agency shall allocate amounts  
31 available for income deduction as provided in subsection (4).

1 (f) At any time an income deduction order is being  
 2 enforced, the obligor may apply to the court for a hearing to  
 3 contest the continued enforcement of the income deduction on  
 4 the same grounds set out in paragraph (c), with a copy to the  
 5 obligee and, in IV-D cases, to the IV-D agency. The  
 6 application does not affect the continued enforcement of the  
 7 income deduction until the court enters an order granting  
 8 relief to the obligor. The obligee or the IV-D agency is  
 9 released from liability for improper receipt of moneys  
 10 pursuant to an income deduction order upon return to the  
 11 appropriate party of any moneys received.

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

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

27 2. When the IV-D agency is requested by the agency  
 28 responsible for income deduction in another state to enforce  
 29 an income deduction order against a payor located in this  
 30 state for the benefit of an obligee who is being provided IV-D  
 31 services by the agency in the other state, the IV-D agency



1 shall act promptly pursuant to the applicable provisions of  
2 this section.

3           3. When an obligor who is subject to an income  
4 deduction order enforced against a payor located in this state  
5 for the benefit of an obligee who is being provided IV-D  
6 services by the agency responsible for income deduction in  
7 another state terminates his or her relationship with his or  
8 her payor, the IV-D agency shall notify the agency in the  
9 other state and provide it with the name and address of the  
10 obligor and the address of any new payor of the obligor, if  
11 known.

12           4.a. The procedural rules and laws of this state  
13 govern the procedural aspects of income deduction whenever the  
14 agency responsible for income deduction in another state  
15 requests the enforcement of an income deduction order in this  
16 state.

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

24           c. When the IV-D agency is requested by an agency  
25 responsible for income deduction in another state to implement  
26 income deduction against a payor located in this state for the  
27 benefit of an obligee who is being provided IV-D services by  
28 the agency in the other state or when the IV-D agency in this  
29 state initiates an income deduction request on behalf of an  
30 obligee receiving IV-D services in this state against a payor  
31 in another state, pursuant to this section or the Uniform

1 Interstate Family Support Act, the IV-D agency shall file the  
 2 interstate income deduction documents, or an affidavit of such  
 3 request when the income deduction documents are not available,  
 4 with the depository and if the IV-D agency in this state is  
 5 responding to a request from another state, provide copies to  
 6 the payor and obligor in accordance with subsection (1). The  
 7 depository created pursuant to s. 61.181 shall accept the  
 8 interstate income deduction documents or affidavit and shall  
 9 establish an account for the receipt and disbursement of child  
 10 support or child support and alimony payments and advise the  
 11 IV-D agency of the account number in writing within 2 days  
 12 after receipt of the documents or affidavit.

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

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

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

31

1 (k) When a payor no longer provides income to an  
 2 obligor, he or she shall notify the obligee and, if the  
 3 obligee is a IV-D applicant, the IV-D agency and shall also  
 4 provide the obligor's last known address and the name and  
 5 address of the obligor's new payor, if known. A payor who  
 6 violates this subsection is subject to a civil penalty not to  
 7 exceed \$250 for the first violation or \$500 for a subsequent  
 8 violation. Penalties shall be paid to the obligee or the IV-D  
 9 agency, whichever is enforcing the income deduction order.

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

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

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

27 (b) If the total monthly support obligation to all  
 28 families is less than the amount of income available for  
 29 deduction, the full amount of each obligation must be  
 30 deducted. ~~sum of the support obligations is less than the~~  
 31 ~~amount of income available for deduction, the court shall~~

1 ~~order that the full amount of each obligation shall be~~  
 2 ~~deducted.~~

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

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

30  
 31

1           61.181 Central depository for receiving, recording,  
2 reporting, monitoring, and disbursing alimony, support,  
3 maintenance, and child support payments; fees.--

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 4. 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. After the  
7 health insurance costs are added to the basic obligation, any  
8 moneys prepaid by the noncustodial parent for health insurance  
9 for the child or children of this action shall be deducted  
10 from that noncustodial parent's child support obligation for  
11 that child or those children.

12 (17) In an initial determination of child support,  
13 whether in a paternity action, dissolution of marriage action,  
14 or petition for support during the marriage, the court has  
15 discretion to award child support retroactive to the date when  
16 the parents did not reside together in the same household with  
17 the child, not to exceed a period of 2 calendar years,  
18 regardless of whether that date precedes the filing of the  
19 petition. In determining the retroactive award in such cases,  
20 the court shall consider the following:

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

28 (b) All actual payments made by the noncustodial  
29 parent to the custodial parent or the child or third parties  
30 for the benefit of the child throughout the proposed  
31 retroactive period.

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

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

5 69.041 State named party; lien foreclosure, suit to  
6 quiet title.--

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

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

31

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

3           319.24 Issuance in duplicate; delivery; liens and  
4 encumbrances.--

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

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

31           319.32 Fees; service charges; disposition.--



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

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

6           372.561 Issuance of licenses to take wild animal life  
7 or freshwater aquatic life; costs; reporting.--

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

19           Section 9. The introductory paragraph of section  
20 372.57, Florida Statutes, is amended to read:

21           372.57 Licenses and permits; exemptions; fees.--No  
22 person, except as provided herein, shall take game, freshwater  
23 fish, or fur-bearing animals within this state without having  
24 first obtained a license, permit, or authorization and paid  
25 the fees hereinafter set forth, unless such license is issued  
26 without fee as provided in s. 372.561. Such license, permit,  
27 or authorization shall authorize the person to whom it is  
28 issued to take game, freshwater fish, or fur-bearing animals  
29 in accordance with law and commission rules. Such license,  
30 permit, or authorization is not transferable. Each license or  
31 permit must bear on its face in indelible ink the name of the

1 person to whom it is issued and other information requested by  
 2 the commission. Such license, permit, or authorization issued  
 3 by the commission or any agent must be in the personal  
 4 possession of the person to whom issued while taking game,  
 5 freshwater fish, or fur-bearing animals. The failure of such  
 6 person to exhibit such license, permit, or authorization to  
 7 the commission or its wildlife officers, when such person is  
 8 found taking game, freshwater fish, or fur-bearing animals, is  
 9 a violation of law. A positive form of identification is  
 10 required when using an authorization, a lifetime license, a  
 11 5-year license, or when otherwise required by the license or  
 12 permit. The lifetime licenses and 5-year licenses provided  
 13 herein shall be embossed with the name, date of birth, the  
 14 date of issuance, and other pertinent information as deemed  
 15 necessary by the commission. A certified copy of the  
 16 applicant's birth certificate shall accompany all applications  
 17 for a lifetime license for residents 12 years of age and  
 18 younger. Each applicant for a license, permit, or  
 19 authorization shall provide the applicant's social security  
 20 number on the application form. Disclosure of social security  
 21 numbers obtained through this requirement shall be limited to  
 22 the purpose of administration of the Title IV-D child support  
 23 enforcement program and use by the commission, and as  
 24 otherwise provided by law.

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

27 382.008 Death and fetal death registration.--

28 (1) A certificate for each death and fetal death which  
 29 occurs in this state shall be filed on a form prescribed by  
 30 the department with the local registrar of the district in  
 31 which the death occurred within 5 days after such death and

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

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

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

21           (1) FILING.--

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

31

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 (2) PATERNITY.--  
31

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

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

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

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

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

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

6 (3) NAME OF CHILD.--

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

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

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

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

30 (4) UNDETERMINED PARENTAGE.--A birth certificate shall  
31 be registered for every child of undetermined parentage

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

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

22 Section 12. Subsection (3) is added to section  
23 409.2557, Florida Statutes, to read:

24 409.2557 State agency for administering child support  
25 enforcement program.--

26 (3) Specific rulemaking authority.-- The department  
27 has the authority to adopt rules pursuant to ss. 120.54 and  
28 120.536(1) to implement all laws administered by the  
29 department in its capacity as the Title IV-D agency for this  
30 state including, but not limited to, the following:

31

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

3           (b) confidentiality and retention of department  
4 records; access to records; record requests;

5           (c) department trust funds;

6           (d) federal funding procedures;

7           (e) agreements with law enforcement and other state  
8 agencies; National Crime Information Center (NCIC) access;  
9 Parent Locator Service access;

10          (f) written agreements entered into between the  
11 department and child support obligors in establishment,  
12 enforcement, and modification proceedings;

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

15          (h) management of cases by the department involving  
16 any documentation or procedures required by federal or state  
17 law, including but not limited to, cooperation; review and  
18 adjustment; audits; interstate actions; diligent efforts for  
19 service of process;

20          (i) department procedures for orders for genetic  
21 testing; subpoenas to establish, enforce or modify orders;  
22 increasing the amount of monthly obligations to secure  
23 delinquent support; suspending or denying driver's and  
24 professional licenses and certificates; fishing and hunting  
25 license suspensions; suspending vehicle and vessel  
26 registrations, screening applicants for new or renewal  
27 licenses, registrations, or certificates; income deduction;  
28 credit reporting and accessing; tax refund intercepts;  
29 passport denials; liens; financial institution data matches;  
30 expedited procedures; medical support; and all other

31



1 responsibilities of the department as required by state or  
2 federal law;

3 (j) collection and disbursement of child support and  
4 alimony payments by the department as required by federal law;  
5 collection of genetic testing costs and other costs awarded by  
6 the court;

7 (k) report information to and receive information from  
8 other agencies and entities;

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

11 (m) privatizing location, establishment, enforcement,  
12 modification and other functions;

13 (n) state case registry;

14 (o) state disbursement unit; and

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

17 Section 13. Section 409.2558, Florida Statutes, is  
18 created to read:

19 409.2558 Child support distribution and  
20 disbursement.--The department shall distribute and disburse  
21 child support payments collected in Title IV-D cases in  
22 accordance with 42 U.S.C. s. 657 and regulations adopted  
23 thereunder by the Secretary of the United States Department of  
24 Health and Human Services.

25 Section 14. Section 409.2559, Florida Statutes, is  
26 created to read:

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

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

1           409.2561 Child support obligations when public  
 2 assistance is paid ~~Public assistance payments; reimbursement~~  
 3 ~~of obligation to department; assignment of rights;~~  
 4 subrogation; medical and health insurance information.--

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

1 a court order on the same grounds as either party to the cause  
2 and shall have the right to settle and compromise actions  
3 brought pursuant to law.

4 Section 16. Subsections (8) and (9) of section  
5 409.2564, Florida Statutes, are amended to read:

6 409.2564 Actions for support.--

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

13 (a) For the purpose of establishing, modifying, or  
14 enforcing a child support order, the director of the Title  
15 IV-D agency or any employee designated by the director ~~any~~  
16 ~~investigation under this chapter, any designated employee~~ may  
17 administer oaths or affirmations, subpoena witnesses and  
18 compel their attendance, take evidence and require the  
19 production of any matter which is relevant to the child  
20 support enforcement action investigation, including the  
21 existence, description, nature, custody, condition, and  
22 location of any books, documents, or other tangible things and  
23 the identity and location of persons having knowledge of  
24 relevant facts or any other matter reasonably calculated to  
25 lead to the discovery of material evidence.

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

1           ~~(b)~~ (c) The Title IV-D agency is authorized to impose a  
2 fine for failure to comply with a subpoena. Failure to comply  
3 with the subpoena or challenge the subpoena as provided for in  
4 paragraph (b) within 15 days after service of the subpoena  
5 ~~Prior to imposition of a fine, the department shall issue a~~  
6 ~~written notification of noncompliance. Failure to comply~~  
7 ~~within 15 days of receipt of the written notification without~~  
8 ~~good cause may result in the agency taking the following~~  
9 ~~actions:~~

10           1. Imposition of an administrative fine of not more  
11 than \$500.~~†~~

12           2. Enforcement of the subpoena as provided in s.  
13 120.569(2)(i)2. When a subpoena is enforced pursuant to s.  
14 120.569(2)(i)2. the court may award costs and fees to the  
15 prevailing party in accordance with that section.~~The~~  
16 ~~application by the Title IV-D agency to the circuit court for~~  
17 ~~an order compelling compliance with the subpoena. The person~~  
18 ~~who is determined to be in noncompliance with the subpoena~~  
19 ~~shall be liable for reasonable attorney's fees and costs~~  
20 ~~associated with the department bringing this action upon~~  
21 ~~showing by the department that the person failed to comply~~  
22 ~~with the request without good cause.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

1           Section 19. Section 409.2567, Florida Statutes, is  
2 amended to read:

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

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

10 Section 20. Subsection (4) is added to section  
11 409.2572, Florida Statutes, to read:

12 409.2572 Cooperation.--

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

17 Section 21. Section 409.2575, Florida Statutes, is  
18 amended to read:

19 409.2575 Liens on motor vehicles and vessels.--

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

29 (2) If the first lienholder fails, neglects, or  
30 refuses to forward the certificate of title to the appropriate  
31 department as requested pursuant to s. 319.24 or s. 328.15,



1 the director of the IV-D program, or the director's designee,  
2 may apply to the circuit court for an order to enforce the  
3 requirements of s. 319.24 or s. 328.15, whichever applies.

4 Section 22. Paragraph (c) of subsection (3) of section  
5 409.2576, Florida Statutes, is amended to read:

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

10 (3) EMPLOYERS TO FURNISH REPORTS.--

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

19 (9) DISCLOSURE OF INFORMATION.--

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

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

25 2. The Medicaid program under Title XIX of the Social  
26 Security Act;

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

29 4. The food stamp program under the Food Stamp Act of  
30 1977; and

31

1           5. Any state program under a plan approved under Title  
2 I (Old-Age Assistance for the Aged), Title X (Aid to the  
3 Blind), Title XIV (Aid to the Permanently and Totally  
4 Disabled), or Title XVI (Aid to the Aged, Blind, or Disabled;  
5 Supplemental Security Income for the Aged, Blind, and  
6 Disabled) of the Social Security Act.

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

11           Section 23. Paragraph (b) of subsection (2) and  
12 subsection (3) of section 409.2578, Florida Statutes, are  
13 amended to read:

14           409.2578 Access to employment information;  
15 administrative fine.--

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

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

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

31

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

3           409.2579 Safeguarding Title IV-D case file  
4 information.--

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

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

15           (b) Any investigation, prosecution, or criminal or  
16 civil proceeding connected with the administration of any such  
17 plan or program;

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

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

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

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

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

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

16           (6) Any person who willfully and knowingly violates  
17 any of the provisions of this section is guilty of a  
18 misdemeanor of the first degree punishable as provided in s.  
19 775.082 or s. 775.083.

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

22           414.095 Determining eligibility for the WAGES  
23 Program.--

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

1 (a) Assisting in identifying and locating a  
2 noncustodial parent and providing complete and accurate  
3 information on that parent;

4 (b) Assisting in establishing paternity; and

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

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

12 Section 26. Paragraph (a) of subsection (1) of section  
13 414.32, Florida Statutes, is amended to read:

14 414.32 Prohibitions and restrictions with respect to  
15 food stamps.--

16 (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT  
17 AGENCY.--

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

1           Section 27. Paragraph (b) of subsection (3) of section  
2 443.051, Florida Statutes, is amended to read:

3           443.051 Benefits not alienable; exception, child  
4 support intercept.--

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

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

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

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

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

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

21           443.1715 Disclosure of information; confidentiality.--

22           (2) DISCLOSURE OF INFORMATION.--Subject to such  
23 restrictions as the division prescribes by rule, information  
24 declared confidential under this section may be made available  
25 to any agency of this or any other state, or any federal  
26 agency, charged with the administration of any unemployment  
27 compensation law or the maintenance of a system of public  
28 employment offices, or the Bureau of Internal Revenue of the  
29 United States Department of the Treasury, or the Florida  
30 Department of Revenue and information obtained in connection  
31 with the administration of the employment service may be made

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

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

30 455.213 General licensing provisions.--

31

1           (9) Pursuant to the federal Personal Responsibility  
2 and Work Opportunity Reconciliation Act of 1996, each party is  
3 required to provide his or her social security number in  
4 accordance with this section. Disclosure of social security  
5 numbers obtained through this requirement shall be limited to  
6 the purpose of administration of the Title IV-D program for  
7 child support enforcement and use by the Department of  
8 Business and Professional Regulation, and as otherwise  
9 provided by law.

10           Section 30. Section 741.04, Florida Statutes, is  
11 amended to read:

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



1 such other documents as the state determines constitutes  
2 reasonable evidence indicating a satisfactory immigration  
3 status, shall be provided in lieu of the social security  
4 number. Disclosure of social security numbers or other  
5 identification numbers obtained through this requirement shall  
6 be limited to the purpose of administration of the Title IV-D  
7 program for child support enforcement.

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

10 742.032 Filing of location information.--

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

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

25 743.07 Rights, privileges, and obligations of persons  
26 18 years of age or older.--

27 (2) This section shall not prohibit any court of  
28 competent jurisdiction from requiring support for a dependent  
29 person beyond the age of 18 years when such dependency is  
30 because of a mental or physical incapacity which began prior  
31 to such person reaching majority or if the person is dependent

1 in fact, is between the ages of 18 and 20 ~~19~~, and is still in  
2 high school, performing in good faith with a reasonable  
3 expectation of graduation before the age of 20 ~~19~~.

4 Section 33. Section 61.046, Florida Statutes, is  
5 amended to read:

6 61.046 Definitions.--As used in this chapter:

7 (1) "Business day" means a day on which state offices  
8 are open for regular business.

9 (2) "Clerk of Court Child Support Collection System"  
10 or "CLERC System" means the automated system established  
11 pursuant to s. 61.181(2)(b)1., integrating all clerks of court  
12 and depositories and through which payment data and State Case  
13 Registry data is transmitted to the department's automated  
14 child support enforcement system.

15 (3)~~(1)~~ "Custodial parent" or "primary residential  
16 parent" means the parent with whom the child maintains his or  
17 her primary residence.

18 (4)~~(2)~~ "Department" means the Department of Revenue.

19 (5)~~(3)~~ "Depository" means the central governmental  
20 depository established pursuant to s. 61.181, created by  
21 special act of the Legislature or other entity established  
22 before June 1, 1985, to perform depository functions and to  
23 receive, record, report, disburse, monitor, and otherwise  
24 handle alimony and child support payments not otherwise  
25 required to be processed by the State Disbursement Unit.

26 (6) "Federal Case Registry of Child Support Orders"  
27 means the automated registry of support order abstracts and  
28 other information established and maintained by the United  
29 States Department of Health and Human Services as provided by  
30 42 U.S.C. s. 653(h).

31

1           ~~(7)(4)~~ "Income" means any form of payment to an  
2 individual, regardless of source, including, but not limited  
3 to: wages, salary, commissions and bonuses, compensation as an  
4 independent contractor, worker's compensation, disability  
5 benefits, annuity and retirement benefits, pensions,  
6 dividends, interest, royalties, trusts, and any other  
7 payments, made by any person, private entity, federal or state  
8 government, or any unit of local government. United States  
9 Department of Veterans Affairs disability benefits and  
10 unemployment compensation, as defined in chapter 443, are  
11 excluded from this definition of income except for purposes of  
12 establishing an amount of support.

13           ~~(8)(5)~~ "IV-D" means services provided pursuant to  
14 Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et  
15 seq s. 1302.

16           ~~(9)(6)~~ "Local officer" means an elected or appointed  
17 constitutional or charter government official including, but  
18 not limited to, the state attorney and clerk of the circuit  
19 court.

20           ~~(10)(7)~~ "Noncustodial parent" means the parent with  
21 whom the child does not maintain his or her primary residence.

22           ~~(11)(8)~~ "Obligee" means the person to whom payments  
23 are made pursuant to an order establishing, enforcing, or  
24 modifying an obligation for alimony, for child support, or for  
25 alimony and child support.

26           ~~(12)(9)~~ "Obligor" means a person responsible for  
27 making payments pursuant to an order establishing, enforcing,  
28 or modifying an obligation for alimony, for child support, or  
29 for alimony and child support.

30  
31

1           ~~(13)(10)~~ "Payor" means an employer or former employer  
2 or any other person or agency providing or administering  
3 income to the obligor.

4           ~~(14)(11)~~ "Shared parental responsibility" means a  
5 court-ordered relationship in which both parents retain full  
6 parental rights and responsibilities with respect to their  
7 child and in which both parents confer with each other so that  
8 major decisions affecting the welfare of the child will be  
9 determined jointly.

10           ~~(15)(12)~~ "Sole parental responsibility" means a  
11 court-ordered relationship in which one parent makes decisions  
12 regarding the minor child.

13           ~~(16)(13)~~ "State Case Registry" means the automated a  
14 registry maintained by the Title IV-D agency, containing  
15 records of each Title IV-D case and of each support order  
16 established or modified in the state on or after October 1,  
17 1998. Such records shall consist of data elements as required  
18 by the United States Secretary of Health and Human Services.  
19 ~~for information related to paternity and child support orders~~  
20 ~~for Title IV-D. Beginning October 1, 1998, information~~  
21 ~~related to non-Title IV-D cases established or modified in the~~  
22 ~~state shall be maintained in the registry.~~

23           ~~(17)~~ "State Disbursement Unit" means the unit  
24 established and operated by the Title IV-D agency to provide  
25 one central address for collection and disbursement of child  
26 support payments made in cases enforced by the department  
27 pursuant to Title IV-D of the Social Security Act and in cases  
28 not being enforced by the department in which the support  
29 order was initially issued.

30           ~~(18)~~ "Support order" means a judgment, decree, or  
31 order, whether temporary, final, or subject to modification,

1 issued by a court of competent jurisdiction for the support  
2 and maintenance of a child, including a child who has attained  
3 the age of majority, or a child and the parent with whom the  
4 child is living, which provides for monetary support, health  
5 care, arrearages, or past support.

6 Section 34. Subsections (1) and (2) and paragraph (a)  
7 of subsection (3) of section 61.181, Florida Statutes, are  
8 amended to read:

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

12 (1) The office of the clerk of the court shall operate  
13 a depository unless the depository is otherwise created by  
14 special act of the Legislature or unless, prior to June 1,  
15 1985, a different entity was established to perform such  
16 functions. The department shall, no later than July 1, 1998,  
17 extend participation in the federal child support cost  
18 reimbursement program to the central depository in each  
19 county, to the maximum extent possible under existing federal  
20 law. The depository shall receive reimbursement for services  
21 provided under a cooperative agreement with the department  
22 pursuant to s. 61.1826. Each depository shall participate in  
23 the State Disbursement Unit and shall implement all statutory  
24 and contractual duties imposed on the State Disbursement Unit.  
25 Each depository shall receive from and transmit to the State  
26 Disbursement Unit required data through the Clerk of Court  
27 Child Support Enforcement Collection System. Payments on  
28 non-Title IV-D cases without income deduction orders shall not  
29 be sent to the State Disbursement Unit ~~as provided by federal~~  
30 ~~law.~~

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

16           (b)1. For the period of July 1, 1992, through June 30,  
 17 2002 ~~1999~~, the fee imposed in paragraph (a) shall be increased  
 18 to 4 percent of the support payments which the party is  
 19 obligated to pay, except that no fee shall be more than \$5.25.  
 20 The fee shall be considered by the court in determining the  
 21 amount of support that the obligor is, or may be, required to  
 22 pay. Notwithstanding the provisions of s. 145.022, 75 percent  
 23 of the additional revenues generated by this paragraph shall  
 24 be remitted monthly to the Clerk of the Court Child Support  
 25 Enforcement Collection System Trust Fund administered by the  
 26 department as provided in subparagraph 2. These funds shall  
 27 be used exclusively for the development, implementation, and  
 28 operation of the Clerk of the Court ~~an automated~~ Child Support  
 29 Enforcement Collection ~~Collections~~ System to be operated by  
 30 the depositories, including the automation of civil case  
 31 information necessary for the State Case Registry. The

1 department shall contract with the Florida Association of  
 2 Court Clerks ~~and Comptrollers~~ and the depositories to design,  
 3 establish, operate, upgrade, and maintain the automation of  
 4 the depositories to include, but not be limited to, the  
 5 provision of on-line electronic transfer of information to the  
 6 IV-D agency as otherwise required by this chapter. The  
 7 department's obligation to fund the automation of the  
 8 depositories is limited to the state share of funds available  
 9 in the Clerk of the Court Child Support Enforcement Collection  
 10 System Trust Fund. Each depository created under this section  
 11 shall fully participate in the Clerk of the Court automated  
 12 Child Support Enforcement Collection System ~~on or before July~~  
 13 ~~1, 1997,~~ and transmit data in a readable format as required by  
 14 the contract between the Florida Association of Court Clerks  
 15 ~~and Comptrollers~~ and the department. ~~The department may at~~  
 16 ~~its discretion exempt a depository from compliance with full~~  
 17 ~~participation in the automated child support enforcement~~  
 18 ~~collection system.~~

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

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

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

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

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

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

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

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

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

25           4. The schedule of payment as provided in the court  
26 order.

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

30           6. The unpaid balance of any arrearage due as provided  
31 in the court order.



1           7. Other records as necessary to comply with federal  
2 reporting requirements.

3           Section 35. Section 61.1824, Florida Statutes, is  
4 created to read:

5           61.1824 State Disbursement Unit.--

6           (1) The State Disbursement Unit is hereby created and  
7 shall be operated by the Department of Revenue or by a  
8 contractor responsible directly to the department. The State  
9 Disbursement Unit shall be responsible for the collection and  
10 disbursement of payments for:

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

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

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

21           (3) The State Disbursement Unit shall perform the  
22 following functions:

23           (a) Disburse all receipts from intercepts, including,  
24 but not limited to, United States Internal Revenue Service,  
25 unemployment compensation, lottery, and administrative offset  
26 intercepts.

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

29           (c) When there is more than one income deduction order  
30 being enforced against the same obligor by the payor, allocate

31

1 the amounts available for income deduction in the manner set  
2 forth in s. 61.1301.

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

6 1. Receipt of payments from obligors, employers, other  
7 states and jurisdictions, and other entities.

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

10 3. Accurate identification of payment source and  
11 amount.

12 4. Furnishing any parent, upon request, timely  
13 information on the current status of support payments under an  
14 order requiring payments to be made by or to the parent,  
15 except that in cases described in paragraph (1)(b), prior to  
16 the date the State Disbursement Unit becomes fully  
17 operational, the State Disbursement Unit shall not be required  
18 to convert and maintain in automated form records of payments  
19 kept pursuant to s. 61.181.

20 (e) Information regarding disbursement must be  
21 transmitted in the following manner:

22 1. In Title IV-D cases, the State Disbursement Unit  
23 shall transmit, in an electronic format as prescribed by the  
24 department, all required information to the department on the  
25 same business day the information is received from the  
26 employer or other source of periodic income, if sufficient  
27 information identifying the payee is provided. The department  
28 shall determine distribution allocation of a collection and  
29 shall electronically transmit that information to the State  
30 Disbursement Unit, whereupon the State Disbursement Unit shall  
31 disburse the collection. The State Disbursement Unit may delay

1 the disbursement of payments toward arrearages until the  
2 resolution of any timely appeal with respect to such  
3 arrearages. The State Disbursement Unit may delay the  
4 disbursement of Title IV-D collections until authorization by  
5 the Title IV-D agency has been received.

6 2. In non-Title IV-D cases payment information is not  
7 transmitted to the department. The State Disbursement Unit may  
8 delay the disbursement of payments toward arrearages until the  
9 resolution of any timely appeal with respect to such  
10 arrearages.

11 (f) Reconcile all cash receipts and all disbursements  
12 daily and provide the department with a daily reconciliation  
13 report in a format as prescribed by the department.

14 (g) Disburse child support payments to foreign  
15 countries as may be required.

16 (h) Receive and convert child support payments made in  
17 foreign currency.

18 (i) Remit to the department payments for costs due the  
19 department.

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

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

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

28 (m) Provide toll-free access to customer assistance  
29 representatives and an automated voice response system that  
30 will enable the parties to a child support case to obtain  
31 payment information.

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

16           (5) Obligees receiving payments through the State  
17 Disbursement Unit shall inform the State Disbursement Unit of  
18 changes in their names and addresses. Notification of all  
19 changes must be made directly to the State Disbursement Unit  
20 within 7 business days after a change. In Title IV-D cases,  
21 the State Disbursement Unit shall transmit the information to  
22 the department, in an electronic format prescribed by the  
23 department, within 1 business day after receipt.

24           Section 36. Section 61.1825, Florida Statutes, is  
25 created to read:

26           61.1825 State Case Registry.--

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

31

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

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

6  
7 The department shall maintain that part of the State Case  
8 Registry that includes support order information for Title  
9 IV-D cases on the department's child support enforcement  
10 automated system.

11       (2) By October 1, 1998, for each support order  
12 established or modified by a court of this state on or after  
13 October 1, 1998, the depository for the court that enters the  
14 support order in a non-Title IV-D case shall provide, in an  
15 electronic format prescribed by the department, the following  
16 information to that component of the State Case Registry that  
17 receives, maintains, and transmits support order information  
18 for non-Title IV-D cases:

19       (a) The name of the obligor, obligee, and child or  
20 children;

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

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

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

28       (e) The date the support order was established or  
29 modified;

30  
31

1           (f) The case identification number, which is the  
2 two-digit numeric county code followed by the civil circuit  
3 case number:

4           (g) The federal information processing system numeric  
5 designation for the county and state where the support order  
6 was established or modified; and

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

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

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

19           (5) State Case Registry information must be  
20 transmitted electronically to the Federal Case Registry of  
21 Child Support Orders by the department in a manner and  
22 frequency prescribed by the United States Secretary of Health  
23 and Human Services.

24           Section 37. Section 61.1826, Florida Statutes, is  
25 created to read:

26           61.1826 Procurement of services for State Disbursement  
27 Unit and the non-Title IV-D component of the State Case  
28 Registry; contracts and cooperative agreements; penalties;  
29 withholding payment.--

30           (1) LEGISLATIVE FINDINGS.--The Legislature finds that  
31 the clerks of court play a vital role, as essential

1 participants in the establishment, modification, collection,  
2 and enforcement of child support, in securing the health,  
3 safety, and welfare of the children of this state. The  
4 Legislature further finds and declares that:

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

9 (b) As official recordkeeper for matters relating to  
10 court-ordered child support, the clerks of court are necessary  
11 parties to obtaining, safeguarding, and providing child  
12 support payment and support order information.

13 (c) As provided by the Federal Personal Responsibility  
14 and Work Opportunity Reconciliation Act of 1996, the state  
15 must establish and operate a State Case Registry in full  
16 compliance with federal law by October 1, 1998, and a State  
17 Disbursement Unit by October 1, 1999.

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

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

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

30 (g) The clerks of court have established a statewide  
31 Clerk of Court Child Support Enforcement Collection System for

1 the automation of all payment processing using state and local  
2 government funds as provided under s. 61.181(2)(b)1.

3 (h) The Legislature acknowledges the improvements made  
4 by and the crucial role of the Clerk of the Court Child  
5 Support Enforcement Collection System in speeding payments to  
6 the children of Florida.

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

10  
11 For these reasons, the Legislature hereby directs the  
12 Department of Revenue, subject to the provisions of subsection  
13 (6), to contract with the Florida Association of Court Clerks  
14 and each depository to perform duties with respect to the  
15 operation and maintenance of a State Disbursement Unit and the  
16 non-Title IV-D component of the State Case Registry as further  
17 provided by this section.

18 (2) COOPERATIVE AGREEMENTS.--Each depository shall  
19 enter into a standard cooperative agreement with the  
20 department for participation in the State Disbursement Unit  
21 and the non-Title IV-D component of the State Case Registry  
22 through the Clerk of Court Child Support Enforcement  
23 Collection System within 60 days after the effective date of  
24 this section. The cooperative agreement shall be a uniform  
25 document, mutually developed by the department and the Florida  
26 Association of Court Clerks, that applies to all depositories  
27 and complies with all state and federal requirements. Each  
28 depository shall also enter into a written agreement with the  
29 Florida Association of Court Clerks and the department within  
30 60 days after the effective date of this section that requires  
31 each depository to participate fully in the State Disbursement



1 Unit and the non-Title IV-D component of the State Case  
2 Registry.

3 (3) CONTRACT.--The Florida Association of Court Clerks  
4 shall enter into a written contract with the department that  
5 fully complies with all federal and state laws within 60 days  
6 of enactment of this chapter. The contract shall be mutually  
7 developed by the department and the Florida Association of  
8 Court Clerks. As required by s. 287.057 and 45 C.F.R. s.  
9 74.43, any subcontracts entered into by the Florida  
10 Association of Court Clerks, except for a contract between the  
11 Florida Association of Court Clerks and its totally owned  
12 subsidiary corporation, must be procured through competitive  
13 bidding.

14 (4) COOPERATIVE AGREEMENT AND CONTRACT TERMS.--The  
15 contract between the Florida Association of Court Clerks and  
16 the department, and cooperative agreements entered into by the  
17 depositories and the department, must contain, but are not  
18 limited to, the following terms:

19 (a) The initial term of the contract and cooperative  
20 agreements is for 5 years. The subsequent term of the contract  
21 and cooperative agreements is for 3 years, with the option of  
22 two 1-year renewal periods, at the sole discretion of the  
23 department.

24 (b) The duties and responsibilities of the Florida  
25 Association of Court Clerks, the depositories, and the  
26 department.

27 (c) Under s. 287.058(1)(a), all providers and  
28 subcontractors shall submit to the department directly, or  
29 through the Florida Association of Court Clerks, a report of  
30 monthly expenditures in a format prescribed by the department  
31

1 and in sufficient detail for a proper preaudit and postaudit  
2 thereof.

3 (d) All providers and subcontractors shall submit to  
4 the department directly, or through the Florida Association of  
5 Court Clerks, management reports in a format prescribed by the  
6 department.

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

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

26 (g) Upon termination of the contracts between the  
27 department and the Florida Association of Court Clerks or the  
28 depositories, the Florida Association of Court Clerks, its  
29 agents, and the depositories shall assist the department in  
30 making an orderly transition to a private vendor.

31

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

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

13           (5) PERFORMANCE REVIEWS.--As provided by this  
14 subsection, the Office of Program Policy Analysis and  
15 Government Accountability shall conduct comprehensive  
16 performance reviews of the State Disbursement Unit and State  
17 Case Registry. In addition to the requirements of chapter 11,  
18 the review must include, but not be limited to, an analysis of  
19 state and federal requirements, the effectiveness of the  
20 current system in meeting those requirements; a cost analysis  
21 of the State Disbursement Unit and the non-Title IV-D  
22 component of the State Case Registry; a review and comparison  
23 of available alternative methodologies as utilized by other  
24 states; and a review of all strategies, including  
25 privatization, to increase the efficiency and cost  
26 effectiveness of the State Disbursement Unit and the non-Title  
27 IV-D component of the State Case Registry. A review must be  
28 completed and a written report submitted to the Governor,  
29 President of the Senate, and the Speaker of the House of  
30 Representatives by October 1, 1999, pertaining to the State  
31 Case Registry and October 1, 2000, pertaining to the State

1 Disbursement Unit, and every 2 years thereafter beginning  
2 October 1, 2002, pertaining to both the State Case Registry  
3 and the State Disbursement Unit.

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

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

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

27 (c) The non-Title IV-D component of the State Case  
28 Registry is not established and operational, consistent with  
29 the terms of the contract, by October 1, 1998; or  
30  
31

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

4  
5 If either event specified in paragraph (a) occurs, the  
6 depositories are relieved of all responsibilities and duties  
7 under this chapter relating to Title IV-D payment processing  
8 and data transmission to the department.

9           (7) PARTICIPATION BY DEPOSITORIES.--

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

14           (b) For participation in the State Disbursement Unit,  
15 each depository shall:

16                 1. Use the CLERC System;

17                 2. Receive electronically and record payment  
18 information from the State Disbursement Unit for each support  
19 order entered by the court.

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

26           (9) PENALTIES.--All depositories must participate in  
27 the State Disbursement Unit and the non-Title IV-D component  
28 of the State Case Registry as provided in this chapter. If a  
29 depository fails to comply with this requirement or with any  
30 material contractual term or other state or federal  
31 requirement, the failure constitutes misfeasance which

1 subjects the county officer or officers responsible for the  
 2 depository to suspension under Article IV of the State  
 3 Constitution. The department shall report any continuing acts  
 4 of misfeasance by a depository to the Governor and Cabinet,  
 5 and to the Florida Association of Court Clerks.

6 (10) WITHHOLDING PAYMENT UNDER CONTRACTS.--If the  
 7 Florida Association of Court Clerks, its agent, a  
 8 subcontractor, or a depository does not comply with any  
 9 material contractual term or state or federal requirement, the  
 10 department may withhold funds otherwise due under the  
 11 individual contract with the Florida Association of Court  
 12 Clerks or the individual cooperative agreement with the  
 13 depository, or both, at the department's election, to enforce  
 14 compliance. The department shall provide written notice of  
 15 noncompliance before withholding funds. Within 10 business  
 16 days after receipt of written notification of noncompliance,  
 17 the department must be provided with a written proposed  
 18 corrective action plan. Within 10 business days after receipt  
 19 of a corrective action plan, the department shall accept the  
 20 plan or allow 5 business days within which a revised plan may  
 21 be submitted. Upon the department's acceptance of a corrective  
 22 action plan, the agreed-upon plan must be fully completed  
 23 within 30 business days unless a longer period is permitted by  
 24 the department. If a proposed corrective action plan is not  
 25 submitted, is not accepted, or is not fully completed, any  
 26 funds withheld by the department for noncompliance are  
 27 forfeited to the department. Withholding or forfeiture of  
 28 funds may be contested by filing a petition or request for a  
 29 hearing under the applicable provisions of chapter 120. For  
 30 the purposes of this section, no party to a dispute involving  
 31 less than \$5,000 in withheld or forfeited funds is deemed to

1 be substantially affected by the dispute or to have a  
2 substantial interest in the decision resolving the dispute.

3 Section 38. Section 61.1827, Florida Statutes, is  
4 created to read:

5 61.1827 Rulemaking authority.--The department may  
6 adopt rules pursuant to ss. 120.54 and 120.536(1), to  
7 administer and enforce the provisions of ss. 61.1824-61.1827.

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

12 Section 40. This act shall take effect July 1 of the  
13 year in which enacted.

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