

By the Committee on Family Law & Children and
Representatives Roberts, Brown, Effman and Detert

1 A bill to be entitled
2 An act relating to child support; amending s.
3 61.052, F.S.; requiring additional information
4 on children of the marriage and parties to a
5 dissolution of marriage; amending s. 61.13,
6 F.S.; requiring certain identifying information
7 for each minor that is the subject of a child
8 support order; amending s. 61.1301, F.S.;
9 clarifying that child support payments paid
10 through income deduction shall be made to the
11 State Disbursement Unit; amending s. 61.13016,
12 F.S.; providing a time certain for delinquency
13 in payment which may result in suspension of
14 driver's licenses and motor vehicle
15 registrations; amending s. 61.14, F.S.;
16 deleting requirement that a certified copy of
17 the support order accompany a certified
18 statement of delinquent support payments;
19 amending s. 61.181, F.S.; providing for
20 collection of a service charge on certain
21 payments processed by the State Disbursement
22 Unit; amending s. 61.1824, F.S.; clarifying
23 that support payments shall be paid to the
24 State Disbursement Unit; amending s. 61.1825,
25 F.S.; providing conditions for placing a family
26 violence indicator on a record in the State
27 Case Registry; amending s. 61.1826, F.S.;
28 revising penalty for default of a depository;
29 providing for notice; deleting a report;
30 amending s. 409.2558, F.S.; providing for
31 review of distributions and disbursements of

1 child support payments; providing for recovery
2 of overpayments; providing for rules; amending
3 s. 409.2561, F.S.; revising provisions relating
4 to child support obligations when public
5 assistance is paid; deleting provisions
6 relating to a cooperative agreement between the
7 executive director of the Department of Revenue
8 and the Insurance Commissioner; amending s.
9 409.2564, F.S.; revising provisions relating to
10 subpoenas for information necessary to
11 establish, modify, or enforce a child support
12 order; providing for challenge of subpoenas;
13 providing an administrative fine; providing for
14 enforcement and award of costs and fees;
15 providing for disposition of fines collected;
16 providing for expedited procedures for
17 redirecting child support payments to relative
18 caretakers; amending s. 409.25641, F.S.;
19 revising provisions relating to automated
20 administrative enforcement requests; amending
21 s. 409.25656, F.S.; providing time frame for an
22 obligor's consent to a levy for past due child
23 support; amending s. 409.25657, F.S.; revising
24 procedures and requirements with respect to
25 data exchanges with financial institutions for
26 child support enforcement; amending s.
27 409.2577, F.S.; deleting duplicate language;
28 amending s. 741.04, F.S.; modifying requirement
29 that a social security number or other
30 documentation be given prior to issuance of a
31 marriage license; providing for reimbursement

1 to certain counties from the Clerk of the Court
2 Child Support Enforcement Collection System
3 Trust Fund; providing appropriations; providing
4 effective dates.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Subsections (7) and (8) of section 61.052,
9 Florida Statutes, 1998 Supplement, are amended to read:

10 61.052 Dissolution of marriage.--

11 (7) In the initial pleading for a dissolution of
12 marriage as a separate attachment to the pleading, each party
13 is required to provide his or her social security number and
14 the full names and social security numbers of each of the
15 minor children of the marriage.

16 (8) Pursuant to the federal Personal Responsibility
17 and Work Opportunity Reconciliation Act of 1996, each party is
18 required to provide his or her social security number in
19 accordance with this section. Each party is also required to
20 provide the full name, date of birth, and social security
21 number for each minor child of the marriage. Disclosure of
22 social security numbers obtained through this requirement
23 shall be limited to the purpose of administration of the Title
24 IV-D program for child support enforcement.

25 Section 2. Paragraph (d) of subsection (1) and
26 subsection (10) of section 61.13, Florida Statutes, 1998
27 Supplement, are amended to read:

28 61.13 Custody and support of children; visitation
29 rights; power of court in making orders.--

30 (1)

31

1 (d)1. Unless the provisions of subparagraph 3. apply,
2 all child support orders entered on or after January 1, 1985,
3 shall direct that the payments of child support be made as
4 provided in s. 61.181 through the depository in the county
5 where the court is located. All child support orders shall
6 provide the full name, date of birth, and social security
7 number of each minor child who is the subject of the child
8 support order.

9 2. Unless the provisions of subparagraph 3. apply, all
10 child support orders entered before January 1, 1985, shall be
11 modified by the court to direct that payments of child support
12 shall be made through the depository in the county where the
13 court is located upon the subsequent appearance of either or
14 both parents to modify or enforce the order, or in any related
15 proceeding.

16 3. If both parties request and the court finds that it
17 is in the best interest of the child, support payments need
18 not be directed through the depository. The order of support
19 shall provide, or shall be deemed to provide, that either
20 party may subsequently apply to the depository to require
21 direction of the payments through the depository. The court
22 shall provide a copy of the order to the depository.

23 4. If the parties elect not to require that support
24 payments be made through the depository, any party may
25 subsequently file an affidavit with the depository alleging a
26 default in payment of child support and stating that the party
27 wishes to require that payments be made through the
28 depository. The party shall provide copies of the affidavit to
29 the court and to each other party. Fifteen days after receipt
30 of the affidavit, the depository shall notify both parties
31 that future payments shall be paid through the depository.

1 5. In IV-D cases, the IV-D agency shall have the same
2 rights as the obligee in requesting that payments be made
3 through the depository.

4 (10) At the time an order for child support is
5 entered, each party is required to provide his or her social
6 security number and date of birth to the court, as well as the
7 name, date of birth, and social security number of each minor
8 child that is the subject of such child support order ~~if this~~
9 ~~information has not previously been provided.~~ Pursuant to the
10 federal Personal Responsibility and Work Opportunity
11 Reconciliation Act of 1996, each party is required to provide
12 his or her social security number in accordance with this
13 section. All social security numbers required by this section
14 shall be provided by the parties and maintained by the
15 depository as a separate attachment in the file. Disclosure of
16 social security numbers obtained through this requirement
17 shall be limited to the purpose of administration of the Title
18 IV-D program for child support enforcement.

19 Section 3. Paragraphs (b) and (d) of subsection (1) of
20 Section 61.1301, Florida Statutes, 1998 Supplement, are
21 amended to read:

22 61.1301 Income deduction orders.--

23 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER
24 ESTABLISHING, ENFORCING, OR MODIFYING AN OBLIGATION FOR
25 ALIMONY OR CHILD SUPPORT.--

26 (b) The income deduction order shall:

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

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

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

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

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

24 6. Direct that, at such time as the State Disbursement
25 Unit becomes operational, all payments in those cases in which
26 the obligee is receiving Title IV-D services and in those
27 cases in which the obligee is not receiving Title IV-D
28 services in which the initial support order was issued in this
29 state on or after January 1, 1994, and in which the obligor's
30 child support obligation is being paid through income
31 deduction, be made payable to and delivered to the State

1 Disbursement Unit. Notwithstanding any other statutory
2 provision to the contrary, funds received by the State
3 Disbursement Unit shall be held, administered, and disbursed
4 by the State Disbursement Unit pursuant to the provisions of
5 this chapter.

6 (d) The income deduction order shall be effective as
7 long as the order upon which it is based is effective or until
8 further order of the court. Notwithstanding the foregoing,
9 however, at such time as the State Disbursement Unit becomes
10 operational, in those cases in which the obligee is receiving
11 Title IV-D services and in those cases in which the obligee is
12 not receiving Title IV-D services in which the initial support
13 order was issued in this state on or after January 1, 1994,
14 and in which the obligor's child support obligation is being
15 paid through income deduction, such payments shall be made
16 payable to and delivered to the State Disbursement Unit.

17 Section 4. Subsection (1) of section 61.13016, Florida
18 Statutes, is amended to read:

19 61.13016 Suspension of driver's licenses and motor
20 vehicle registrations.--

21 (1) The driver's license and motor vehicle
22 registration of a child support obligor who is delinquent in
23 payment or who has failed to comply with subpoenas or a
24 similar order to appear or show cause relating to paternity or
25 child support proceedings may be suspended. When an obligor is
26 15 days delinquent making a payment ~~Upon a delinquency~~ in
27 child support or failure to comply with a subpoena, order to
28 appear, order to show cause, or similar order in IV-D cases,
29 the Title IV-D agency may provide notice to the obligor of the
30 delinquency or failure to comply with a subpoena, order to
31 appear, order to show cause, or similar order and the intent

1 to suspend by regular United States mail that is posted to the
2 obligor's last address of record with the Department of
3 Highway Safety and Motor Vehicles. When an obligor is 15 days
4 delinquent in making a payment ~~Upon a delinquency~~ in child
5 support in non-IV-D cases, and upon the request of the
6 obligee, the depository or the clerk of the court must provide
7 notice to the obligor of the delinquency and the intent to
8 suspend by regular United States mail that is posted to the
9 obligor's last address of record with the Department of
10 Highway Safety and Motor Vehicles. In either case, the notice
11 must state:

12 (a) The terms of the order creating the child support
13 obligation;

14 (b) The period of the delinquency and the total amount
15 of the delinquency as of the date of the notice or describe
16 the subpoena, order to appear, order to show cause, or other
17 similar order which has not been complied with;

18 (c) That notification will be given to the Department
19 of Highway Safety and Motor Vehicles to suspend the obligor's
20 driver's license and motor vehicle registration unless, within
21 20 days after the date the notice is mailed, the obligor:

22 1.a. Pays the delinquency in full;

23 b. Enters into a written agreement for payment with
24 the obligee in non-IV-D cases or with the Title IV-D agency in
25 IV-D cases; or in IV-D cases, complies with a subpoena or
26 order to appear, order to show cause, or a similar order; or

27 c. Files a petition with the circuit court to contest
28 the delinquency action; and

29 2. Pays any applicable delinquency fees.
30
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1 If the obligor in non-IV-D cases enters into a written
2 agreement for payment before the expiration of the 20-day
3 period, the obligor must provide a copy of the signed written
4 agreement to the depository or the clerk of the court.

5 Section 5. Paragraph (a) of subsection (6) of section
6 61.14, Florida Statutes, 1998 Supplement, is amended to read:

7 61.14 Enforcement and modification of support,
8 maintenance, or alimony agreements or orders.--

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

23 2. A certified ~~copy of the support order and a~~
24 ~~certified~~ statement by the local depository evidencing a
25 delinquency in support payments constitute evidence of the
26 final judgment under this paragraph.

27 3. The judgment under this paragraph is a final
28 judgment as to any unpaid payment or installment of support
29 which has accrued up to the time either party files a motion
30 with the court to alter or modify the support order, and such
31 judgment may not be modified by the court. The court may

1 modify such judgment as to any unpaid payment or installment
2 of support which accrues after the date of the filing of the
3 motion to alter or modify the support order. This
4 subparagraph does not prohibit the court from providing relief
5 from the judgment pursuant to Rule 1.540, Florida Rules of
6 Civil Procedure.

7 Section 6. Paragraph (a) of subsection (2) of section
8 61.181, Florida Statutes, 1998 Supplement, is 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 (2)(a) For payments not required to be processed
13 through the State Disbursement Unit, the depository shall
14 impose and collect a fee on each payment made for receiving,
15 recording, reporting, disbursing, monitoring, or handling
16 alimony or child support payments as required under this
17 section. For non-Title IV-D cases required to be processed by
18 the State Disbursement Unit pursuant to this chapter, the
19 State Disbursement Unit shall, on each payment received,
20 collect a fee, and shall transmit to the depository in which
21 the case is located 40 percent of such service charge for the
22 depository's administration, management, and maintenance of
23 such case. If a payment is made to the State Disbursement Unit
24 which is not accompanied by the required fee, the State
25 Disbursement Unit shall not deduct any moneys from the support
26 payment for payment of the fee. The, which fee shall be a
27 flat fee based, to the extent practicable, upon estimated
28 reasonable costs of operation. The fee shall be reduced in
29 any case in which the fixed fee results in a charge to any
30 party of an amount greater than 3 percent of the amount of any
31 support payment made in satisfaction of the amount which the

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

5 Section 7. Subsection (6) is added to section 61.1824,
6 Florida Statutes, 1998 Supplement, to read:

7 61.1824 State Disbursement Unit.--

8 (6) Effective October 1, 1999, or such earlier date as
9 the State Disbursement Unit becomes operational, all support
10 payments for cases to which the requirements of this section
11 apply shall be made payable to and delivered to the State
12 Disbursement Unit. Notwithstanding any other statutory
13 provision to the contrary, funds received by the State
14 Disbursement Unit shall be held, administered, and disbursed
15 by the State Disbursement Unit pursuant to the provisions of
16 this chapter.

17 Section 8. Paragraph (d) of subsection (2) of section
18 61.1825, Florida Statutes, 1998 Supplement, is amended,
19 subsections (3), (4), and (5) are renumbered as subsections
20 (4), (5), and (6), respectively, and a new subsection (3) is
21 added to said section, to read:

22 61.1825 State Case Registry.--

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

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

4 (3) For the purpose of this section, a family violence
5 indicator must be placed on a record when:

6 (a) A party executes a sworn statement requesting that
7 a family violence indicator be placed on that party's record
8 which states that the party has reason to believe that release
9 of information to the Federal Case Registry may result in
10 physical or emotional harm to the party or the child. This
11 statement must be accompanied by a court determination of
12 domestic violence or child abuse, as evidenced by:

13 1. A final injunction pursuant to chapter 741 or
14 chapter 784;

15 2. A judgment that indicates a finding of domestic
16 violence;

17 3. A dependency order entered pursuant to chapter 39;
18 or

19 4. A criminal conviction that resulted from domestic
20 violence;

21 (b) A party provides documentation of participation in
22 the address confidentiality program under s. 741.403; or

23 (c) The department has received information from the
24 Domestic and Repeat Violence Injunction Statewide Verification
25 System that a court has granted the party a domestic violence
26 or repeat violence injunction.

27 Section 9. Subsection (9) of section 61.1826, Florida
28 Statutes, 1998 Supplement, is amended to read:

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

3 (9) PENALTIES.--All depositories must participate in
4 the State Disbursement Unit and the non-Title IV-D component
5 of the State Case Registry as provided in this chapter. If,
6 after notice and an opportunity to cure an otherwise curable
7 default, a depository fails to comply with the material terms
8 of the cooperative agreement, the failure to comply subjects
9 the county officer or officers responsible for the depository
10 to the sanctions provided in Art. IV of the State
11 Constitution. However, no county officer or officers shall be
12 subject to sanctions under Art. IV of the State Constitution
13 for any noncurable default resulting from circumstances or
14 conditions outside the control of the depository.~~if a~~
15 ~~depository fails to comply with this requirement or with any~~
16 ~~material contractual term or other state or federal~~
17 ~~requirement, the failure constitutes misfeasance which~~
18 ~~subjects the county officer or officers responsible for the~~
19 ~~depository to suspension under Art. IV of the State~~
20 ~~Constitution. The department shall report any continuing acts~~
21 ~~of misfeasance by a depository to the Governor and Cabinet and~~
22 ~~to the Florida Association of Court Clerks.~~

23 Section 10. Section 409.2558, Florida Statutes, 1998
24 Supplement, is amended to read:

25 409.2558 Child support distribution and
26 disbursement.--

27 (1) The department shall distribute and disburse child
28 support payments collected in Title IV-D cases in accordance
29 with 42 U.S.C. s. 657 and regulations adopted thereunder by
30 the Secretary of the United States Department of Health and
31 Human Services.

1 (2) A recipient of collection and distribution
2 services of the department's Child Support Enforcement Program
3 may request a reconsideration by the department concerning the
4 amount collected, the date collected, the amount distributed,
5 the distribution timing, or the calculation of arrears. The
6 department shall establish by rule a reconsideration procedure
7 for informal review of agency action in distributing and
8 disbursing child support payments collected by the department.
9 The procedures must provide the recipients of services with an
10 opportunity to review the department's actions before a
11 hearing is requested under chapter 120.

12 (3) If the department's records indicate that a child
13 support obligee has received an overpayment of child support
14 from the department due to either mistake or fraud, the
15 department may take action to recover the overpayment. The
16 department may establish by rule a procedure to recover
17 overpayments.

18 Section 11. Subsections (1) and (5) of section
19 409.2561, Florida Statutes, 1998 Supplement, are amended to
20 read:

21 409.2561 Child support obligations when public
22 assistance is paid; assignment of rights; subrogation; medical
23 and health insurance information.--

24 (1) Any payment of public assistance money made to, or
25 for the benefit of, any dependent child creates an obligation
26 in an amount determined pursuant to the child support
27 guidelines ~~equal to the amount of public assistance paid.~~ In
28 accordance with 42 U.S.C. s. 657, the state shall retain
29 amounts collected only to the extent necessary to reimburse
30 amounts paid to the family as assistance by the state. If
31 there has been a prior court order or final judgment of

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

22 (5) With respect to cases for which there is an
23 assignment in effect pursuant to this section:

24 (a) The IV-D agency shall obtain basic medical support
25 information for Medicaid recipients and applicants for
26 Medicaid and provide this information to the state Medicaid
27 agency for third-party liability purposes.

28 (b) When the obligor receives health insurance
29 coverage for the dependent child, the IV-D agency shall
30 provide health insurance policy information, including any
31 information available about the health insurance policy which

1 would permit a claim to be filed or, in the case of a health
2 maintenance or preferred provider organization, service to be
3 provided, to the state Medicaid agency.

4 (c) The state Medicaid agency, upon receipt of the
5 health coverage information from the IV-D agency, shall notify
6 the obligor's insuring entity that the Medicaid agency must be
7 notified within 30 days when such coverage is discontinued.

8 (d) Entities providing health insurance as defined in
9 s. 624.603 and health maintenance organizations and prepaid
10 health clinics as defined in chapter 641 shall provide such
11 records and information as is necessary to accomplish the
12 purpose of this subsection, unless such requirement results in
13 an unreasonable burden.

14 ~~(e) The executive director of the department and the~~
15 ~~commissioner of the Department of Insurance shall enter into a~~
16 ~~cooperative agreement for requesting and obtaining information~~
17 ~~necessary to effect the purpose and objectives of this~~
18 ~~subsection:~~

19 1. ~~The department shall only request that information~~
20 ~~necessary to determine whether health insurance as defined~~
21 ~~pursuant to s. 624.603 or those health services provided~~
22 ~~pursuant to chapter 641 is discontinued.~~

23 2. ~~All information obtained pursuant to subparagraph~~
24 ~~1. is confidential and exempt from the provisions of s.~~
25 ~~119.07(1).~~

26 3. ~~The cooperative agreement or rules promulgated~~
27 ~~hereunder may include financial arrangements to reimburse the~~
28 ~~reporting entities for reasonable costs or a portion thereof~~
29 ~~incurred in furnishing the requested information. Neither the~~
30 ~~cooperative agreement nor the rules shall require the~~

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1 ~~automation of manual processes to provide the requested~~
2 ~~information.~~

3 ~~4. The department and the Department of Insurance~~
4 ~~jointly shall promulgate rules for the development and~~
5 ~~administration of the cooperative agreement. The rules shall~~
6 ~~include the following:~~

7 ~~a. A method for identifying those entities subject to~~
8 ~~furnishing information under the cooperative agreement;~~

9 ~~b. A method for furnishing requested information; and~~

10 ~~c. Procedures for requesting exemption from the~~
11 ~~cooperative agreement based on an unreasonable burden to the~~
12 ~~reporting entity.~~

13 ~~(e)(f)~~ Upon the state Medicaid agency receiving notice
14 from the obligor's insuring entity that the coverage is
15 discontinued due to cancellation or other means, the Medicaid
16 agency shall notify the IV-D agency of such discontinuance and
17 the effective date. When appropriate, the IV-D agency shall
18 then take action to bring the obligor before the court for
19 enforcement.

20 Section 12. Subsection (8) of section 409.2564,
21 Florida Statutes, 1998 Supplement, is amended to read:

22 409.2564 Actions for support.--

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

27 (a) For the purpose of establishing, modifying, or
28 enforcing a child support order, the director of this or
29 another state's Title IV-D agency, or any employee designated
30 by the director of this state's Title IV-D agency or
31 authorized under another state's law,~~any investigation under~~

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

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

17 (c)(b) The Title IV-D agency is authorized to impose a
18 fine for failure to comply with a subpoena. Prior to making
19 application to the court for an order compelling compliance
20 with a subpoena, the department shall issue a written
21 notification of noncompliance. Failure to comply with the
22 subpoena, or to challenge the subpoena as provided in
23 paragraph (b), within 15 days after service of the subpoena
24 may result in the agency taking the following actions: receipt
25 of the written notification without good cause may result in
26 the application by the Title IV-D agency to the circuit court
27 for an order compelling compliance with the subpoena. The
28 person who is determined to be in noncompliance with the
29 subpoena shall be liable for reasonable attorney's fees and
30 costs associated with the department bringing this action upon
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1 ~~showing by the department that the person failed to comply~~
2 ~~with the request without good cause.~~

3 1. Imposition of an administrative fine of not more
4 than \$500.

5 2. Enforcement of the subpoena as provided in s.
6 120.569(2)(k)2. When the subpoena is enforced pursuant to s.
7 120.569(2)(k)2. the court may award costs and fees to the
8 prevailing party in accordance with that section.

9 (d) The Title IV-D agency may seek to collect
10 administrative fines imposed pursuant to paragraph (c) by
11 filing a petition in the circuit court of the judicial circuit
12 in which the person against whom the fine was imposed resides.
13 All fines collected pursuant to this subsection shall be
14 deposited into the Child Support Enforcement Application and
15 Program Revenue Trust Fund.

16 Section 13. Effective October 1, 1999, subsection (13)
17 of section 409.2564, Florida Statutes, 1998 Supplement, is
18 renumbered as subsection (14), and a new subsection (13) is
19 added to said section to read:

20 409.2564 Actions for support.--

21 (13)(a) When the department files a petition for
22 modification of a child support order and the petition is
23 accompanied with a verified motion signed by the department to
24 redirect payment alleging that:

25 1. The child is residing with a relative caretaker as
26 defined in s. 414.0252 and the relative caretaker receives
27 temporary cash assistance as defined in s. 414.0252; or

28 2. The child was formerly residing with a relative
29 caretaker as defined in s. 414.0252, the child support
30 payments were redirected to the relative caretaker, and the
31 child is now residing with the original payee,

1
2 then the court shall enter a temporary order, ex parte, within
3 5 days that redirects the child support payments to the
4 relative caretaker or original payee pending a final hearing
5 and may grant such relief as the court deems proper. Upon the
6 filing of a verified motion by the department to redirect
7 payment, the relative caretaker is deemed a party to the
8 proceedings.

9 (b) In the event that it is subsequently determined by
10 the court that the child support payments were improperly
11 diverted, the department shall pay the improperly diverted
12 child support payments to the appropriate party and shall
13 attempt to recoup any child support improperly paid.

14 Section 14. Subsections (1) and (2) of section
15 409.25641, Florida Statutes, 1998 Supplement, are amended to
16 read:

17 409.25641 Procedures for processing automated
18 administrative enforcement requests.--

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

28 (2)~~(a)~~ This request:

29 (a) May be transmitted from the other state by
30 electronic or other means; ~~and~~

31

1 (b) Shall contain sufficient identifying information
2 to allow comparison with the databases within the state which
3 are available to the Title IV-D agency; and

4 (c) Shall constitute a certification by the requesting
5 state: ~~and~~

6 1. Of the amount of arrearage accrued under the order;
7 and

8 2. That the requesting state has complied with all
9 procedural due process requirements applicable to the case.

10 Section 15. Paragraph (d) is added to subsection (7)
11 of section 409.25656, Florida Statutes, to read:

12 409.25656 Garnishment.--

13 (7)(a) Levy may be made under subsection (3) upon
14 credits, other personal property, or debt of any person with
15 respect to any past due or overdue child support obligation
16 only after the executive director or his or her designee has
17 notified such person in writing of the intention to make such
18 levy.

19 (b) Not less than 30 days before the day of the levy,
20 the notice of intent to levy required under paragraph (a) must
21 be given in person or sent by certified or registered mail to
22 the person's last known address.

23 (c) The notice required in paragraph (a) must include
24 a brief statement that sets forth:

25 1. The provisions of this section relating to levy and
26 sale of property;

27 2. The procedures applicable to the levy under this
28 section;

29 3. The administrative and judicial appeals available
30 to the obligor with respect to such levy and sale, and the
31 procedures relating to such appeals; and

1 4. The alternatives, if any, available to the obligor
2 which could prevent levy on the property.

3 (d) The obligor may consent in writing to the levy at
4 any time after receipt of a notice of intent to levy.

5 Section 16. Subsection (2) of section 409.25657,
6 Florida Statutes, is amended to read:

7 409.25657 Requirements for financial institutions.--

8 (2) The department shall develop procedures to enter
9 into agreements with financial institutions doing business in
10 the state, ~~to develop and operate~~, in coordination with such
11 financial institutions and with the Federal Parent Locator
12 Service in the case of financial institutions doing business
13 in two or more states, to develop and operate, a data match
14 system, using automated data exchanges to the maximum extent
15 feasible, in which each financial institution is required to
16 provide for each calendar quarter the name, record address,
17 social security number or other taxpayer identification
18 number, average daily account balance, and other identifying
19 information for:

20 (a) Each noncustodial parent who maintains an account
21 at such institution and who owes past due support, as
22 identified by the department by name and social security
23 number or other taxpayer identification number; or-

24 (b) At the financial institution's option, each
25 individual who maintains an account at such institution. Use
26 of this information shall be limited to the purpose of
27 administration of the Title IV-D program for child support
28 enforcement.

29 Section 17. Section 409.2577, Florida Statutes, 1998
30 Supplement, is amended to read:

31

1 409.2577 Parent locator service.--The department shall
2 establish a parent locator service to assist in locating
3 parents who have deserted their children and other persons
4 liable for support of dependent children. The department
5 shall use all sources of information available, including the
6 Federal Parent Locator Service, and may request and shall
7 receive information from the records of any person or the
8 state or any of its political subdivisions or any officer
9 thereof. Any agency as defined in s. 120.52, any political
10 subdivision, and any other person shall, upon request, provide
11 the department any information relating to location, salary,
12 insurance, social security, income tax, and employment history
13 necessary to locate parents who owe or potentially owe a duty
14 of support pursuant to Title IV-D of the Social Security Act.
15 This provision shall expressly take precedence over any other
16 statutory nondisclosure provision which limits the ability of
17 an agency to disclose such information, except that law
18 enforcement information as provided in s. 119.07(3)(i) is not
19 required to be disclosed, and except that confidential
20 taxpayer information possessed by the Department of Revenue
21 shall be disclosed only to the extent authorized in s.
22 213.053(15). Nothing in this section requires the disclosure
23 of information if such disclosure is prohibited by federal
24 law. Information gathered or used by the parent locator
25 service is confidential and exempt from the provisions of s.
26 119.07(1). Additionally, the department is authorized to
27 collect any additional information directly bearing on the
28 identity and whereabouts of a person owing or asserted to be
29 owing an obligation of support for a dependent child.
30 ~~Information gathered or used by the parent locator service is~~
31 ~~confidential and exempt from the provisions of s. 119.07(1).~~

1 The department shall, upon request,~~may~~ make ~~such~~ information
2 available only to public officials and agencies of this state;
3 political subdivisions of this state, including any agency
4 thereof providing child support enforcement services to
5 non-Title IV-D clients; the custodial parent, legal guardian,
6 attorney, or agent of the child; and other states seeking to
7 locate parents who have deserted their children and other
8 persons liable for support of dependents, for the sole purpose
9 of establishing, modifying, or enforcing their liability for
10 support, and shall make such information available to the
11 Department of Children and Family Services for the purpose of
12 diligent search activities pursuant to chapter 39. If the
13 department has reasonable evidence of domestic violence or
14 child abuse and the disclosure of information could be harmful
15 to the custodial parent or the child of such parent, the child
16 support program director or designee shall notify the
17 Department of Children and Family Services and the Secretary
18 of the United States Department of Health and Human Services
19 of this evidence. Such evidence is sufficient grounds for the
20 department to disapprove an application for location services.

21 Section 18. Subsection (1) of section 741.04, Florida
22 Statutes, 1998 Supplement, is amended to read:

23 741.04 Marriage license issued.--

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

1 parties; unless both such parties shall be over the age of 18
2 years, except as provided in s. 741.0405; and unless one party
3 is a male and the other party is a female. Pursuant to the
4 federal Personal Responsibility and Work Opportunity
5 Reconciliation Act of 1996, each party is required to provide
6 his or her social security number in accordance with this
7 section. The state has a compelling interest in promoting not
8 only marriage but also responsible parenting, which may
9 include the payment of child support. Any person who has been
10 issued a social security number shall provide that number.
11 ~~However, when an individual is not a citizen of the United~~
12 ~~States and does not have a social security number, alien~~
13 ~~registration documentation, or other proof of immigration~~
14 ~~registration from the United States Immigration and~~
15 ~~Naturalization Service that contains the individual's alien~~
16 ~~admission number or alien file number, or such other documents~~
17 ~~as the state determines constitutes reasonable evidence~~
18 ~~indicating a satisfactory immigration status, shall be~~
19 ~~provided in lieu of the social security number.~~ Disclosure of
20 social security numbers or other identification numbers
21 obtained through this requirement shall be limited to the
22 purpose of administration of the Title IV-D program for child
23 support enforcement. Any person who is not a citizen of the
24 United States may provide either a social security number or
25 an alien registration number if one has been issued by the
26 United States Immigration and Naturalization Service. Any
27 person who is not a citizen of the United States and who has
28 not been issued a social security number or an alien
29 registration number is encouraged to provide another form of
30 identification. Nothing in this subsection shall be construed
31 to mean that a county court judge or clerk of the circuit

1 court in this state shall not issue a marriage license to
2 individuals who are not citizens of the United States if one
3 or both of the parties are unable to provide a social security
4 number, alien registration number, or other identification
5 number.

6 Section 19. Fifty percent of the actual, documented
7 cost for full participation in the Clerk of the Court Child
8 Support Collection System for Miami-Dade, Seminole, and
9 Collier Counties shall be reimbursed by the Clerk of the Court
10 Child Support Enforcement Collection System Trust Fund after
11 any costs are paid by any other sources. The actual documented
12 cost for full participation shall be determined by a jointly
13 funded, independent entity selected by agreement of each of
14 the respective county clerks and the Florida Association of
15 Court Clerks and Comptroller. Ongoing maintenance costs
16 remain the responsibility of the individual participating
17 depository.

18 Section 20. The sums of \$24,480 from the General
19 Revenue Fund and \$47,520 from the Grants and Donations Trust
20 Fund are hereby appropriated to the Department of Revenue to
21 implement the amendments to s. 409.25657, Florida Statutes, by
22 this act, relating to coordination with financial institutions
23 in child support enforcement.

24 Section 21. The sums of \$73,778 from the General
25 Revenue Fund and \$143,216 from the Grants and Donations Trust
26 Fund are appropriated for fiscal year 1999-2000 to the
27 Department of Revenue to implement s. 409.2564(13), Florida
28 Statutes, as created by this act, relating to payment of a
29 child support obligation to a caretaker relative.

30 Section 22. There is hereby appropriated from the
31 General Revenue Fund the sum of \$50,770 and one

1 full-time-equivalent position to the Department of Revenue to
2 provide non-Title IV-D location services to political
3 subdivisions of this state, including any agency thereof
4 providing child support enforcement services to non-Title IV-D
5 clients, as required by this act.

6 Section 23. Except as otherwise provided herein, this
7 act shall take effect July 1, 1999.

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HOUSE SUMMARY

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12 Requires certain information applicable to child support
13 enforcement to be provided in dissolution of marriage and
14 custody proceedings and prior to issuance of a marriage
15 license. Specifies that support payments that are 15 days
16 delinquent may result in suspension of driver's licenses
17 and motor vehicle registrations. Provides for collection
18 of a service charge on non-Title IV-D support payments
19 processed by the State Disbursement Unit. Provides
20 conditions for placing a family violence indicator on a
21 support order record in the State Case Registry. Provides
22 a penalty for a depository that fails to comply with
23 requirements for participation in child support
24 enforcement after notice and opportunity to correct the
25 failure. Provides for certain review of Department of
26 Revenue child support collection and disbursement
27 actions. Authorizes the department to take action to
28 recover overpayments. Revises provisions relating to
29 subpoenas for information necessary to establish, modify,
30 or enforce a child support order, and provides for
31 challenge of such subpoenas, for administrative fines for
failure to comply with a subpoena, and for enforcement of
subpoenas and award of costs and fees. Provides for
expedited procedures for redirecting child support
payments to relative caretakers. Provides that a child
support obligor may consent in writing to a garnishment
levy at any time after receipt of a notice of intent to
levy. Revises procedures and requirements with respect to
data exchanges between the department and financial
institutions for child support enforcement. Provides for
certain reimbursements to specified counties from the
Clerk of the Court Child Support Enforcement Collection
System Trust Fund. Provides appropriations.

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