

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; requiring deposit into the  
 6 General Revenue Fund of funds retained by the  
 7 state to reimburse public assistance payments  
 8 made to or for the benefit of dependent  
 9 children; deleting provisions relating to a  
 10 cooperative agreement between the executive  
 11 director of the Department of Revenue and the  
 12 Insurance Commissioner; amending s. 409.2564,  
 13 F.S.; revising provisions relating to subpoenas  
 14 for information necessary to establish, modify,  
 15 or enforce a child support order; providing for  
 16 challenge of subpoenas; providing an  
 17 administrative fine; providing for enforcement  
 18 and award of costs and fees; providing for  
 19 disposition of fines collected; providing for  
 20 expedited procedures for redirecting child  
 21 support payments to relative caretakers;  
 22 amending s. 409.25641, F.S.; revising  
 23 provisions relating to automated administrative  
 24 enforcement requests; amending s. 409.25656,  
 25 F.S.; providing time frame for an obligor's  
 26 consent to a levy for past due child support;  
 27 amending s. 409.25657, F.S.; revising  
 28 procedures and requirements with respect to  
 29 data exchanges with financial institutions for  
 30 child support enforcement; amending s.  
 31 409.2577, F.S.; deleting duplicate language;

1 amending s. 741.04, F.S.; modifying requirement  
2 that a social security number or other  
3 documentation be given prior to issuance of a  
4 marriage license; providing for reimbursement  
5 to certain counties from the Clerk of the Court  
6 Child Support Enforcement Collection System  
7 Trust Fund; providing appropriations; providing  
8 effective dates.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsections (7) and (8) of section 61.052,  
13 Florida Statutes, 1998 Supplement, are amended to read:

14 61.052 Dissolution of marriage.--

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

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

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

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

3           (1)

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

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

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

26           4. If the parties elect not to require that support  
27 payments be made through the depository, any party may  
28 subsequently file an affidavit with the depository alleging a  
29 default in payment of child support and stating that the party  
30 wishes to require that payments be made through the  
31 depository. The party shall provide copies of the affidavit to

1 the court and to each other party. Fifteen days after receipt  
2 of the affidavit, the depository shall notify both parties  
3 that future payments shall be paid through the depository.

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

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

22 Section 3. Paragraphs (b) and (d) of subsection (1) of  
23 Section 61.1301, Florida Statutes, 1998 Supplement, are  
24 amended to read:

25 61.1301 Income deduction orders.--

26 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER  
27 ESTABLISHING, ENFORCING, OR MODIFYING AN OBLIGATION FOR  
28 ALIMONY OR CHILD SUPPORT.--

29 (b) The income deduction order shall:

30 1. Direct a payor to deduct from all income due and  
31 payable to an obligor the amount required by the court to meet

1 the obligor's support obligation including any attorney's fees  
2 or costs owed and forward the deducted amount pursuant to the  
3 order.

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

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

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

24           5. In Title IV-D cases, direct a payor to provide to  
25 the court depository the date on which each deduction is made;  
26 and-

27           6. Direct that, at such time as the State Disbursement  
28 Unit becomes operational, all payments in those cases in which  
29 the obligee is receiving Title IV-D services and in those  
30 cases in which the obligee is not receiving Title IV-D  
31 services in which the initial support order was issued in this

1 state on or after January 1, 1994, and in which the obligor's  
2 child support obligation is being paid through income  
3 deduction, be made payable to and delivered to the State  
4 Disbursement Unit. Notwithstanding any other statutory  
5 provision to the contrary, funds received by the State  
6 Disbursement Unit shall be held, administered, and disbursed  
7 by the State Disbursement Unit pursuant to the provisions of  
8 this chapter.

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

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

22 61.13016 Suspension of driver's licenses and motor  
23 vehicle registrations.--

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

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

15 (a) The terms of the order creating the child support  
16 obligation;

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

21 (c) That notification will be given to the Department  
22 of Highway Safety and Motor Vehicles to suspend the obligor's  
23 driver's license and motor vehicle registration unless, within  
24 20 days after the date the notice is mailed, the obligor:

25 1.a. Pays the delinquency in full;

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

30 c. Files a petition with the circuit court to contest  
31 the delinquency action; and



1           2. Pays any applicable delinquency fees.

2

3 If the obligor in non-IV-D cases enters into a written  
4 agreement for payment before the expiration of the 20-day  
5 period, the obligor must provide a copy of the signed written  
6 agreement to the depository or the clerk of the court.

7           Section 5. Paragraph (a) of subsection (6) of section  
8 61.14, Florida Statutes, 1998 Supplement, is amended to read:

9           61.14 Enforcement and modification of support,  
10 maintenance, or alimony agreements or orders.--

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

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

29           3. The judgment under this paragraph is a final  
30 judgment as to any unpaid payment or installment of support  
31 which has accrued up to the time either party files a motion

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

9 Section 6. Paragraph (a) of subsection (2) of section  
 10 61.181, Florida Statutes, 1998 Supplement, is amended to read:

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

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

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

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

9 61.1824 State Disbursement Unit.--

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

19 Section 8. Paragraph (d) of subsection (2) of section  
20 61.1825, Florida Statutes, 1998 Supplement, is amended,  
21 subsections (3), (4), and (5) are renumbered as subsections  
22 (4), (5), and (6), respectively, and a new subsection (3) is  
23 added to said section, to read:

24 61.1825 State Case Registry.--

25 (2) By October 1, 1998, for each support order  
26 established or modified by a court of this state on or after  
27 October 1, 1998, the depository for the court that enters the  
28 support order in a non-Title IV-D case shall provide, in an  
29 electronic format prescribed by the department, the following  
30 information to that component of the State Case Registry that  
31

1 receives, maintains, and transmits support order information  
2 for non-Title IV-D cases:

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

6 (3)(a) For the purpose of this section, a family  
7 violence indicator must be placed on a record when a party  
8 executes a sworn statement requesting that a family violence  
9 indicator be placed on that party's record which states that  
10 the party has reason to believe that release of information to  
11 the Federal Case Registry may result in physical or emotional  
12 harm to the party or the child.

13 (b) Before the family violence indicator can be  
14 removed from a record, the protected person must be afforded  
15 notice and an opportunity to appear before the court on the  
16 issue of whether the disclosure will result in harm.

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

19 61.1826 Procurement of services for State Disbursement  
20 Unit and the non-Title IV-D component of the State Case  
21 Registry; contracts and cooperative agreements; penalties;  
22 withholding payment.--

23 (9) PENALTIES.--All depositories must participate in  
24 the State Disbursement Unit and the non-Title IV-D component  
25 of the State Case Registry as provided in this chapter. If,  
26 after notice and an opportunity to cure an otherwise curable  
27 default, a depository fails to comply with the material terms  
28 of the cooperative agreement, the failure to comply subjects  
29 the county officer or officers responsible for the depository  
30 to the sanctions provided in Art. IV of the State  
31 Constitution. However, no county officer or officers shall be

1 subject to sanctions under Art. IV of the State Constitution  
2 for any noncurable default resulting from circumstances or  
3 conditions outside the control of the depository.~~ff a~~  
4 ~~depository fails to comply with this requirement or with any~~  
5 ~~material contractual term or other state or federal~~  
6 ~~requirement, the failure constitutes misfeasance which~~  
7 ~~subjects the county officer or officers responsible for the~~  
8 ~~depository to suspension under Art. IV of the State~~  
9 ~~Constitution. The department shall report any continuing acts~~  
10 ~~of misfeasance by a depository to the Governor and Cabinet and~~  
11 ~~to the Florida Association of Court Clerks.~~

12 Section 10. Section 409.2558, Florida Statutes, 1998  
13 Supplement, is amended to read:

14 409.2558 Child support distribution and  
15 disbursement.--

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

21 (2) A recipient of collection and distribution  
22 services of the department's Child Support Enforcement Program  
23 may request a reconsideration by the department concerning the  
24 amount collected, the date collected, the amount distributed,  
25 the distribution timing, or the calculation of arrears. The  
26 department shall establish by rule a reconsideration procedure  
27 for informal review of agency action in distributing and  
28 disbursing child support payments collected by the department.  
29 The procedures must provide the recipients of services with an  
30 opportunity to review the department's actions before a  
31 hearing is requested under chapter 120.

1           (3) If the department's records indicate that a child  
2 support obligee has received an overpayment of child support  
3 from the department due to either mistake or fraud, the  
4 department may take action to recover the overpayment. The  
5 department may establish by rule a procedure to recover  
6 overpayments.

7           Section 11. Subsections (1) and (5) of section  
8 409.2561, Florida Statutes, 1998 Supplement, are amended to  
9 read:

10           409.2561 Child support obligations when public  
11 assistance is paid; assignment of rights; subrogation; medical  
12 and health insurance information.--

13           (1) Any payment of public assistance money made to, or  
14 for the benefit of, any dependent child creates an obligation  
15 in an amount determined pursuant to the child support  
16 guidelines ~~equal to the amount of public assistance paid.~~ In  
17 accordance with 42 U.S.C. s. 657, the state shall retain  
18 amounts collected only to the extent necessary to reimburse  
19 amounts paid to the family as assistance by the state. Such  
20 amounts collected shall be deposited into the General Revenue  
21 Fund up to the level specified in s. 61.1812. ~~If there has~~  
22 ~~been a prior court order or final judgment of dissolution of~~  
23 ~~marriage establishing an obligation of support, the obligation~~  
24 ~~is limited to the amount provided by such court order or~~  
25 ~~decree. The obligor shall discharge the reimbursement~~  
26 ~~obligation. If the obligor fails to discharge the~~  
27 ~~reimbursement obligation, the department may apply for a~~  
28 ~~contempt order to enforce reimbursement for support furnished.~~  
29 The extraordinary remedy of contempt is applicable in child  
30 support enforcement cases because of the public necessity for  
31 ensuring that dependent children be maintained from the

1 resources of their parents, thereby relieving, at least in  
 2 part, the burden presently borne by the general citizenry  
 3 through the public assistance program. If there is no prior  
 4 court order establishing an obligation of support, the court  
 5 shall establish the liability of the obligor, if any, by  
 6 applying the child support guidelines for reimbursement of  
 7 ~~public assistance moneys paid. Priority shall be given to~~  
 8 ~~establishing continuing reasonable support for the dependent~~  
 9 ~~child.~~ The department may apply for modification of a court  
 10 order on the same grounds as either party to the cause and  
 11 shall have the right to settle and compromise actions brought  
 12 pursuant to law.

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

15 (a) The IV-D agency shall obtain basic medical support  
 16 information for Medicaid recipients and applicants for  
 17 Medicaid and provide this information to the state Medicaid  
 18 agency for third-party liability purposes.

19 (b) When the obligor receives health insurance  
 20 coverage for the dependent child, the IV-D agency shall  
 21 provide health insurance policy information, including any  
 22 information available about the health insurance policy which  
 23 would permit a claim to be filed or, in the case of a health  
 24 maintenance or preferred provider organization, service to be  
 25 provided, to the state Medicaid agency.

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

30 (d) Entities providing health insurance as defined in  
 31 s. 624.603 and health maintenance organizations and prepaid

1 health clinics as defined in chapter 641 shall provide such  
2 records and information as is necessary to accomplish the  
3 purpose of this subsection, unless such requirement results in  
4 an unreasonable burden.

5 ~~(e) The executive director of the department and the~~  
6 ~~commissioner of the Department of Insurance shall enter into a~~  
7 ~~cooperative agreement for requesting and obtaining information~~  
8 ~~necessary to effect the purpose and objectives of this~~  
9 ~~subsection.~~

10 ~~1. The department shall only request that information~~  
11 ~~necessary to determine whether health insurance as defined~~  
12 ~~pursuant to s. 624.603 or those health services provided~~  
13 ~~pursuant to chapter 641 is discontinued.~~

14 ~~2. All information obtained pursuant to subparagraph~~  
15 ~~1. is confidential and exempt from the provisions of s.~~  
16 ~~119.07(1).~~

17 ~~3. The cooperative agreement or rules promulgated~~  
18 ~~hereunder may include financial arrangements to reimburse the~~  
19 ~~reporting entities for reasonable costs or a portion thereof~~  
20 ~~incurred in furnishing the requested information. Neither the~~  
21 ~~cooperative agreement nor the rules shall require the~~  
22 ~~automation of manual processes to provide the requested~~  
23 ~~information.~~

24 ~~4. The department and the Department of Insurance~~  
25 ~~jointly shall promulgate rules for the development and~~  
26 ~~administration of the cooperative agreement. The rules shall~~  
27 ~~include the following:~~

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

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

31



1           ~~c. Procedures for requesting exemption from the~~  
2 ~~cooperative agreement based on an unreasonable burden to the~~  
3 ~~reporting entity.~~

4           ~~(e)(f)~~ Upon the state Medicaid agency receiving notice  
5 from the obligor's insuring entity that the coverage is  
6 discontinued due to cancellation or other means, the Medicaid  
7 agency shall notify the IV-D agency of such discontinuance and  
8 the effective date. When appropriate, the IV-D agency shall  
9 then take action to bring the obligor before the court for  
10 enforcement.

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

13           409.2564 Actions for support.--

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

18           (a) For the purpose of establishing, modifying, or  
19 enforcing a child support order, the director of this or  
20 another state's Title IV-D agency, or any employee designated  
21 by the director of this state's Title IV-D agency or  
22 authorized under another state's law,~~any investigation under~~  
23 ~~this chapter, any designated employee~~ may administer oaths or  
24 affirmations, subpoena witnesses and compel their attendance,  
25 take evidence and require the production of any matter which  
26 is relevant to the child support enforcement action  
27 ~~investigation~~, including the existence, description, nature,  
28 custody, condition, and location of any books, documents, or  
29 other tangible things and the identity and location of persons  
30 having knowledge of relevant facts or any other matter  
31

1 reasonably calculated to lead to the discovery of material  
2 evidence.

3 (b) Subpoenas issued by this or any other state's  
4 Title IV-D agency may be challenged in accordance with s.  
5 120.569(2)(k)1. While a subpoena is being challenged, the  
6 Title IV-D agency may not impose a fine as provided for under  
7 paragraph (c) until the challenge is complete and the subpoena  
8 been found to be valid.

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

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

27 2. Enforcement of the subpoena as provided in s.  
28 120.569(2)(k)2. When the subpoena is enforced pursuant to s.  
29 120.569(2)(k)2. the court may award costs and fees to the  
30 prevailing party in accordance with that section.

31

1           (d) The Title IV-D agency may seek to collect  
2 administrative fines imposed pursuant to paragraph (c) by  
3 filing a petition in the circuit court of the judicial circuit  
4 in which the person against whom the fine was imposed resides.  
5 All fines collected pursuant to this subsection shall be  
6 deposited into the Child Support Enforcement Application and  
7 Program Revenue Trust Fund.

8           Section 13. Effective October 1, 1999, subsection (13)  
9 of section 409.2564, Florida Statutes, 1998 Supplement, is  
10 renumbered as subsection (14), and a new subsection (13) is  
11 added to said section to read:

12           409.2564 Actions for support.--

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

17           1. The child is residing with a relative caretaker as  
18 defined in s. 414.0252 and the relative caretaker receives  
19 temporary cash assistance as defined in s. 414.0252; or

20           2. The child was formerly residing with a relative  
21 caretaker as defined in s. 414.0252, the child support  
22 payments were redirected to the relative caretaker, and the  
23 child is now residing with the original payee,

24  
25 then the court shall enter a temporary order, ex parte, within  
26 5 days that redirects the child support payments to the  
27 relative caretaker or original payee pending a final hearing  
28 and may grant such relief as the court deems proper. Upon the  
29 filing of a verified motion by the department to redirect  
30 payment, the relative caretaker is deemed a party to the  
31 proceedings.

1           (b) In the event that it is subsequently determined by  
2 the court that the child support payments were improperly  
3 diverted, the department shall pay the improperly diverted  
4 child support payments to the appropriate party and shall  
5 attempt to recoup any child support improperly paid.

6           Section 14. Subsections (1) and (2) of section  
7 409.25641, Florida Statutes, 1998 Supplement, are amended to  
8 read:

9           409.25641 Procedures for processing automated  
10 administrative enforcement requests.--

11           (1) The Title IV-D agency shall use automated  
12 administrative enforcement, as defined in the Social Security  
13 Act, in response to a request from another state to enforce a  
14 support order and shall promptly report the results of  
15 enforcement action to the requesting state. ~~"Automated~~  
16 ~~administrative enforcement" means the use of automated data~~  
17 ~~processing to search state databases and determine whether~~  
18 ~~information is available regarding the parent who owes a child~~  
19 ~~support obligation.~~

20           (2)(a) This request:

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

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

26           (c) Shall constitute a certification by the requesting  
27 state: ~~and~~

28           1. Of the amount of arrearage accrued under the order;  
29 and

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

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

3           409.25656 Garnishment.--

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

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

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

16           1. The provisions of this section relating to levy and  
17 sale of property;

18           2. The procedures applicable to the levy under this  
19 section;

20           3. The administrative and judicial appeals available  
21 to the obligor with respect to such levy and sale, and the  
22 procedures relating to such appeals; and

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

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

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

29           409.25657 Requirements for financial institutions.--

30           (2) The department shall develop procedures to enter  
31 into agreements with financial institutions doing business in

1 the state, ~~to develop and operate,~~ in coordination with such  
2 financial institutions and with the Federal Parent Locator  
3 Service in the case of financial institutions doing business  
4 in two or more states, to develop and operate, a data match  
5 system, using automated data exchanges to the maximum extent  
6 feasible, in which each financial institution is required to  
7 provide for each calendar quarter the name, record address,  
8 social security number or other taxpayer identification  
9 number, average daily account balance, and other identifying  
10 information for:

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

15       (b) At the financial institution's option, each  
16 individual who maintains an account at such institution. Use  
17 of this information shall be limited to the purpose of  
18 administration of the Title IV-D program for child support  
19 enforcement.

20       Section 17. Section 409.2577, Florida Statutes, 1998  
21 Supplement, is amended to read:

22       409.2577 Parent locator service.--The department shall  
23 establish a parent locator service to assist in locating  
24 parents who have deserted their children and other persons  
25 liable for support of dependent children. The department  
26 shall use all sources of information available, including the  
27 Federal Parent Locator Service, and may request and shall  
28 receive information from the records of any person or the  
29 state or any of its political subdivisions or any officer  
30 thereof. Any agency as defined in s. 120.52, any political  
31 subdivision, and any other person shall, upon request, provide

1 the department any information relating to location, salary,  
 2 insurance, social security, income tax, and employment history  
 3 necessary to locate parents who owe or potentially owe a duty  
 4 of support pursuant to Title IV-D of the Social Security Act.  
 5 This provision shall expressly take precedence over any other  
 6 statutory nondisclosure provision which limits the ability of  
 7 an agency to disclose such information, except that law  
 8 enforcement information as provided in s. 119.07(3)(i) is not  
 9 required to be disclosed, and except that confidential  
 10 taxpayer information possessed by the Department of Revenue  
 11 shall be disclosed only to the extent authorized in s.  
 12 213.053(15). Nothing in this section requires the disclosure  
 13 of information if such disclosure is prohibited by federal  
 14 law. Information gathered or used by the parent locator  
 15 service is confidential and exempt from the provisions of s.  
 16 119.07(1). Additionally, the department is authorized to  
 17 collect any additional information directly bearing on the  
 18 identity and whereabouts of a person owing or asserted to be  
 19 owing an obligation of support for a dependent child.  
 20 ~~Information gathered or used by the parent locator service is~~  
 21 ~~confidential and exempt from the provisions of s. 119.07(1).~~  
 22 The department shall, upon request,~~may~~ make ~~such~~ information  
 23 available only to public officials and agencies of this state;  
 24 political subdivisions of this state, including any agency  
 25 thereof providing child support enforcement services to  
 26 non-Title IV-D clients; the custodial parent, legal guardian,  
 27 attorney, or agent of the child; and other states seeking to  
 28 locate parents who have deserted their children and other  
 29 persons liable for support of dependents, for the sole purpose  
 30 of establishing, modifying, or enforcing their liability for  
 31 support, and shall make such information available to the

1 Department of Children and Family Services for the purpose of  
 2 diligent search activities pursuant to chapter 39. If the  
 3 department has reasonable evidence of domestic violence or  
 4 child abuse and the disclosure of information could be harmful  
 5 to the custodial parent or the child of such parent, the child  
 6 support program director or designee shall notify the  
 7 Department of Children and Family Services and the Secretary  
 8 of the United States Department of Health and Human Services  
 9 of this evidence. Such evidence is sufficient grounds for the  
 10 department to disapprove an application for location services.

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

13 741.04 Marriage license issued.--

14 (1) No county court judge or clerk of the circuit  
 15 court in this state shall issue a license for the marriage of  
 16 any person unless there shall be first presented and filed  
 17 with him or her an affidavit in writing, signed by both  
 18 parties to the marriage, providing the social security numbers  
 19 or any other available identification numbers of each party,  
 20 made and subscribed before some person authorized by law to  
 21 administer an oath, reciting the true and correct ages of such  
 22 parties; unless both such parties shall be over the age of 18  
 23 years, except as provided in s. 741.0405; and unless one party  
 24 is a male and the other party is a female. Pursuant to the  
 25 federal Personal Responsibility and Work Opportunity  
 26 Reconciliation Act of 1996, each party is required to provide  
 27 his or her social security number in accordance with this  
 28 section. The state has a compelling interest in promoting not  
 29 only marriage but also responsible parenting, which may  
 30 include the payment of child support. Any person who has been  
 31 issued a social security number shall provide that number.



1 ~~However, when an individual is not a citizen of the United~~  
 2 ~~States and does not have a social security number, alien~~  
 3 ~~registration documentation, or other proof of immigration~~  
 4 ~~registration from the United States Immigration and~~  
 5 ~~Naturalization Service that contains the individual's alien~~  
 6 ~~admission number or alien file number, or such other documents~~  
 7 ~~as the state determines constitutes reasonable evidence~~  
 8 ~~indicating a satisfactory immigration status, shall be~~  
 9 ~~provided in lieu of the social security number.~~ Disclosure of  
 10 social security numbers or other identification numbers  
 11 obtained through this requirement shall be limited to the  
 12 purpose of administration of the Title IV-D program for child  
 13 support enforcement. Any person who is not a citizen of the  
 14 United States may provide either a social security number or  
 15 an alien registration number if one has been issued by the  
 16 United States Immigration and Naturalization Service. Any  
 17 person who is not a citizen of the United States and who has  
 18 not been issued a social security number or an alien  
 19 registration number is encouraged to provide another form of  
 20 identification. Nothing in this subsection shall be construed  
 21 to mean that a county court judge or clerk of the circuit  
 22 court in this state shall not issue a marriage license to  
 23 individuals who are not citizens of the United States if one  
 24 or both of the parties are unable to provide a social security  
 25 number, alien registration number, or other identification  
 26 number.

27       Section 19. Funds from the Clerk of the Court Child  
 28 Support Enforcement Collection System Trust Fund have been  
 29 identified by the Florida Association of Court Clerks and  
 30 Comptroller to assist in compensating the actual, documented  
 31 cost for full participation in the Clerk of the Court Child

1 Support Enforcement Collection System for Miami-Dade,  
2 Seminole, and Collier Counties as follows:

3 \$207,000 to Miami-Dade County;  
4 \$107,000 to Collier County; and  
5 \$107,000 to Seminole County.

6 The respective county will be reimbursed such costs or fifty  
7 percent of the actual, documented cost for full participation,  
8 whichever is greater, by the Clerk of the Court Child Support  
9 Enforcement Collection System Trust Fund after any costs are  
10 paid by any other sources. Actual, documented cost for full  
11 participation in the Clerk of the Court Child Support  
12 Enforcement Collection System will be determined by a jointly  
13 funded independent entity selected by agreement of each  
14 respective clerk and the Florida Association of Court Clerks  
15 and Comptroller. Any amount paid to the respective county  
16 which is in excess of the actual cost to the county will be  
17 spent on ongoing maintenance of the automated child support  
18 enforcement system. Subsequent ongoing maintenance costs  
19 remain the responsibility of the individual, participating  
20 depository.

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

27 Section 21. The sums of \$73,778 from the General  
28 Revenue Fund and \$143,216 from the Grants and Donations Trust  
29 Fund are appropriated for fiscal year 1999-2000 to the  
30 Department of Revenue to implement s. 409.2564(13), Florida  
31

1 Statutes, as created by this act, relating to payment of a  
2 child support obligation to a caretaker relative.

3       Section 22. There is hereby appropriated from the  
4 General Revenue Fund the sum of \$50,770 and one  
5 full-time-equivalent position to the Department of Revenue to  
6 provide non-Title IV-D location services to political  
7 subdivisions of this state, including any agency thereof  
8 providing child support enforcement services to non-Title IV-D  
9 clients, as required by this act.

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

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