

By the Committee on General Government Appropriations and
Representative Sembler

1 A bill to be entitled
2 An act relating to child support enforcement;
3 amending s. 409.2561, F.S.; requiring deposit
4 into the General Revenue Fund of funds retained
5 by the state to reimburse public assistance
6 payments made to or for the benefit of
7 dependent children; providing an effective
8 date.
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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (1) of section 409.2561, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 409.2561 Child support obligations when public
15 assistance is paid; assignment of rights; subrogation; medical
16 and health insurance information.--

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

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

14 Section 2. This act shall take effect July 1, 1999.

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HOUSE SUMMARY

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Requires deposit into the General Revenue Fund of funds retained by the state to reimburse public assistance payments made to or for the benefit of dependent children.