

Bill No. CS for CS for SB 808

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Diaz-Balart moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Subsections (7) and (8) of section 61.052,		
18	Florida Statutes, 1998 Supplement, are amended to read:		
19	61.052 Dissolution of marriage.--		
20	(7) In the initial pleading for a dissolution of		
21	marriage as a separate attachment to the pleading, each party		
22	is required to provide his or her social security number <u>and</u>		
23	<u>the full names and social security numbers of each of the</u>		
24	<u>minor children of the marriage.</u>		
25	(8) Pursuant to the federal Personal Responsibility		
26	and Work Opportunity Reconciliation Act of 1996, each party is		
27	required to provide his or her social security number in		
28	accordance with this section. <u>Each party is also required to</u>		
29	<u>provide the full name, date of birth, and social security</u>		
30	<u>number for each minor child of the marriage.</u> Disclosure of		
31	social security numbers obtained through this requirement		

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1 shall be limited to the purpose of administration of the Title  
2 IV-D program for child support enforcement.

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

6 61.13 Custody and support of children; visitation  
7 rights; power of court in making orders.--

8 (1)

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

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

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

31 4. If the parties elect not to require that support

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1 payments be made through the depository, any party may  
2 subsequently file an affidavit with the depository alleging a  
3 default in payment of child support and stating that the party  
4 wishes to require that payments be made through the  
5 depository. The party shall provide copies of the affidavit to  
6 the court and to each other party. Fifteen days after receipt  
7 of the affidavit, the depository shall notify both parties  
8 that future payments shall be paid through the depository.

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

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

27           Section 3. Paragraphs (b) and (d) of subsection (1) of  
28 section 61.1301, Florida Statutes, 1998 Supplement, are  
29 amended to read:

30           61.1301 Income deduction orders.--

31           (1) ISSUANCE IN CONJUNCTION WITH AN ORDER

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1 ESTABLISHING, ENFORCING, OR MODIFYING AN OBLIGATION FOR  
2 ALIMONY OR CHILD SUPPORT.--

3 (b) The income deduction order shall:

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

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

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

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

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

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1           6. Direct that, at such time as the State Disbursement  
2 Unit becomes operational, all payments in those cases in which  
3 the obligee is receiving Title IV-D services and in those  
4 cases in which the obligee is not receiving Title IV-D  
5 services in which the initial support order was issued in this  
6 state on or after January 1, 1994, and in which the obligor's  
7 child support obligation is being paid through income  
8 deduction, be made payable to and delivered to the State  
9 Disbursement Unit. Notwithstanding any other statutory  
10 provision to the contrary, funds received by the State  
11 Disbursement Unit shall be held, administered, and disbursed  
12 by the State Disbursement Unit pursuant to the provisions of  
13 this chapter.

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

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

27           61.13016 Suspension of driver's licenses and motor  
28 vehicle registrations.--

29           (1) The driver's license and motor vehicle  
30 registration of a child support obligor who is delinquent in  
31 payment or who has failed to comply with subpoenas or a

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

20 (a) The terms of the order creating the child support  
21 obligation;

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

26 (c) That notification will be given to the Department  
27 of Highway Safety and Motor Vehicles to suspend the obligor's  
28 driver's license and motor vehicle registration unless, within  
29 20 days after the date the notice is mailed, the obligor:

30 1.a. Pays the delinquency in full;

31 b. Enters into a written agreement for payment with

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1 the obligee in non-IV-D cases or with the Title IV-D agency in  
2 IV-D cases; or in IV-D cases, complies with a subpoena or  
3 order to appear, order to show cause, or a similar order; or

4 c. Files a petition with the circuit court to contest  
5 the delinquency action; and

6 2. Pays any applicable delinquency fees.

7  
8 If the obligor in non-IV-D cases enters into a written  
9 agreement for payment before the expiration of the 20-day  
10 period, the obligor must provide a copy of the signed written  
11 agreement to the depository or the clerk of the court.

12 Section 5. Paragraph (a) of subsection (6) of section  
13 61.14, Florida Statutes, 1998 Supplement, is amended to read:

14 61.14 Enforcement and modification of support,  
15 maintenance, or alimony agreements or orders.--

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

30 2. A certified ~~copy of the support order and a~~  
31 ~~certified~~ statement by the local depository evidencing a

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1 delinquency in support payments constitute evidence of the  
2 final judgment under this paragraph.

3           3. The judgment under this paragraph is a final  
4 judgment as to any unpaid payment or installment of support  
5 which has accrued up to the time either party files a motion  
6 with the court to alter or modify the support order, and such  
7 judgment may not be modified by the court. The court may  
8 modify such judgment as to any unpaid payment or installment  
9 of support which accrues after the date of the filing of the  
10 motion to alter or modify the support order. This  
11 subparagraph does not prohibit the court from providing relief  
12 from the judgment pursuant to Rule 1.540, Florida Rules of  
13 Civil Procedure.

14           Section 6. Paragraph (a) of subsection (2) of section  
15 61.181, Florida Statutes, 1998 Supplement, is amended to read:

16           61.181 Central depository for receiving, recording,  
17 reporting, monitoring, and disbursing alimony, support,  
18 maintenance, and child support payments; fees.--

19           (2)(a) For payments not required to be processed  
20 through the State Disbursement Unit, the depository shall  
21 impose and collect a fee on each payment made for receiving,  
22 recording, reporting, disbursing, monitoring, or handling  
23 alimony or child support payments as required under this  
24 section. For non-Title IV-D cases required to be processed by  
25 the State Disbursement Unit pursuant to this chapter, the  
26 State Disbursement Unit shall, on each payment received,  
27 collect a fee, and shall transmit to the depository in which  
28 the case is located 40 percent of such service charge for the  
29 depository's administration, management, and maintenance of  
30 such case. If a payment is made to the State Disbursement Unit  
31 which is not accompanied by the required fee, the State



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1 Disbursement Unit shall not deduct any moneys from the support  
2 payment for payment of the fee. The, which fee shall be a  
3 flat fee based, to the extent practicable, upon estimated  
4 reasonable costs of operation. The fee shall be reduced in  
5 any case in which the fixed fee results in a charge to any  
6 party of an amount greater than 3 percent of the amount of any  
7 support payment made in satisfaction of the amount which the  
8 party is obligated to pay, except that no fee shall be less  
9 than \$1 nor more than \$5 per payment made. The fee shall be  
10 considered by the court in determining the amount of support  
11 that the obligor is, or may be, required to pay.

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

14 61.1824 State Disbursement Unit.--

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

24 Section 8. Paragraph (d) of subsection (2) of section  
25 61.1825, Florida Statutes, 1998 Supplement, is amended,  
26 present subsections (3), (4), and (5) are renumbered as  
27 subsections (4), (5), and (6), respectively, and a new  
28 subsection (3) is added to that section, to read:

29 61.1825 State Case Registry.--

30 (2) By October 1, 1998, for each support order  
31 established or modified by a court of this state on or after

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1 October 1, 1998, the depository for the court that enters the  
2 support order in a non-Title IV-D case shall provide, in an  
3 electronic format prescribed by the department, the following  
4 information to that component of the State Case Registry that  
5 receives, maintains, and transmits support order information  
6 for non-Title IV-D cases:

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

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

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

19 1. A final injunction pursuant to chapter 741 or  
20 chapter 784;

21 2. A judgment that indicates a finding of domestic  
22 violence;

23 3. A dependency order entered pursuant to chapter 39;  
24 or

25 4. A criminal conviction that resulted from domestic  
26 violence;

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

29 (c) The department has received information from the  
30 Domestic and Repeat Violence Injunction Statewide Verification  
31 System that a court has granted the party a domestic violence

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1 or repeat violence injunction.

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

4 61.1826 Procurement of services for State Disbursement  
5 Unit and the non-Title IV-D component of the State Case  
6 Registry; contracts and cooperative agreements; penalties;  
7 withholding payment.--

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

28 Section 10. Section 409.2558, Florida Statutes, 1998  
29 Supplement, is amended to read:

30 409.2558 Child support distribution and  
31 disbursement.--

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

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

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

23           Section 11. Subsections (1) and (5) of section  
24 409.2561, Florida Statutes, 1998 Supplement, are amended to  
25 read:

26           409.2561 Child support obligations when public  
27 assistance is paid; assignment of rights; subrogation; medical  
28 and health insurance information.--

29           (1) Any payment of public assistance money made to, or  
30 for the benefit of, any dependent child creates an obligation  
31 in an amount determined pursuant to the child support

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1 ~~guidelines equal to the amount of public assistance paid.~~ In  
2 accordance with 42 U.S.C. s. 657, the state shall retain  
3 amounts collected only to the extent necessary to reimburse  
4 amounts paid to the family as assistance by the state. Such  
5 amounts collected shall be deposited into the General Revenue  
6 Fund, up to the amount specified in s. 61.1812. If there has  
7 been a prior court order or final judgment of dissolution of  
8 marriage establishing an obligation of support, the obligation  
9 is limited to the amount provided by such court order or  
10 decree. ~~The obligor shall discharge the reimbursement~~  
11 ~~obligation. If the obligor fails to discharge the~~  
12 ~~reimbursement obligation, the department may apply for a~~  
13 ~~contempt order to enforce reimbursement for support furnished.~~  
14 The extraordinary remedy of contempt is applicable in child  
15 support enforcement cases because of the public necessity for  
16 ensuring that dependent children be maintained from the  
17 resources of their parents, thereby relieving, at least in  
18 part, the burden presently borne by the general citizenry  
19 through the public assistance program. If there is no prior  
20 court order establishing an obligation of support, the court  
21 shall establish the liability of the obligor, if any, by  
22 applying the child support guidelines for reimbursement of  
23 ~~public assistance moneys paid. Priority shall be given to~~  
24 ~~establishing continuing reasonable support for the dependent~~  
25 ~~child.~~ The department may apply for modification of a court  
26 order on the same grounds as either party to the cause and  
27 shall have the right to settle and compromise actions brought  
28 pursuant to law.

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

31 (a) The IV-D agency shall obtain basic medical support

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1 information for Medicaid recipients and applicants for  
2 Medicaid and provide this information to the state Medicaid  
3 agency for third-party liability purposes.

4 (b) When the obligor receives health insurance  
5 coverage for the dependent child, the IV-D agency shall  
6 provide health insurance policy information, including any  
7 information available about the health insurance policy which  
8 would permit a claim to be filed or, in the case of a health  
9 maintenance or preferred provider organization, service to be  
10 provided, to the state Medicaid agency.

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

15 (d) Entities providing health insurance as defined in  
16 s. 624.603 and health maintenance organizations and prepaid  
17 health clinics as defined in chapter 641 shall provide such  
18 records and information as is necessary to accomplish the  
19 purpose of this subsection, unless such requirement results in  
20 an unreasonable burden.

21 ~~(e) The executive director of the department and the~~  
22 ~~commissioner of the Department of Insurance shall enter into a~~  
23 ~~cooperative agreement for requesting and obtaining information~~  
24 ~~necessary to effect the purpose and objectives of this~~  
25 ~~subsection.~~

26 ~~1. The department shall only request that information~~  
27 ~~necessary to determine whether health insurance as defined~~  
28 ~~pursuant to s. 624.603 or those health services provided~~  
29 ~~pursuant to chapter 641 is discontinued.~~

30 ~~2. All information obtained pursuant to subparagraph~~  
31 ~~1. is confidential and exempt from the provisions of s.~~

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1 ~~119.07(1).~~

2           ~~3. The cooperative agreement or rules promulgated~~  
 3 ~~hereunder may include financial arrangements to reimburse the~~  
 4 ~~reporting entities for reasonable costs or a portion thereof~~  
 5 ~~incurred in furnishing the requested information. Neither the~~  
 6 ~~cooperative agreement nor the rules shall require the~~  
 7 ~~automation of manual processes to provide the requested~~  
 8 ~~information.~~

9           ~~4. The department and the Department of Insurance~~  
 10 ~~jointly shall promulgate rules for the development and~~  
 11 ~~administration of the cooperative agreement. The rules shall~~  
 12 ~~include the following:~~

- 13           ~~a. A method for identifying those entities subject to~~  
 14 ~~furnishing information under the cooperative agreement;~~
- 15           ~~b. A method for furnishing requested information; and~~
- 16           ~~c. Procedures for requesting exemption from the~~  
 17 ~~cooperative agreement based on an unreasonable burden to the~~  
 18 ~~reporting entity.~~

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

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

28           409.2564 Actions for support.--

29           (8) The director of the Title IV-D agency, or the  
 30 director's designee, is authorized to subpoena from any person  
 31 financial and other information necessary to establish,

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1 modify, or enforce a child support order.

2 (a) For the purpose of establishing, modifying, or  
3 enforcing a child support order, the director of this or  
4 another state's Title IV-D agency or any employee designated  
5 by the director of this state's Title IV-D agency or  
6 authorized under another state's law ~~any investigation under~~  
7 ~~this chapter, any designated employee~~ may administer oaths or  
8 affirmations, subpoena witnesses and compel their attendance,  
9 take evidence and require the production of any matter which  
10 is relevant to the child support enforcement action  
11 ~~investigation~~, including the existence, description, nature,  
12 custody, condition, and location of any books, documents, or  
13 other tangible things and the identity and location of persons  
14 having knowledge of relevant facts or any other matter  
15 reasonably calculated to lead to the discovery of material  
16 evidence.

17 (b) Subpoenas issued by this or any other state's  
18 Title IV-D agency may be challenged in accordance with s.  
19 120.569(2)(k)1. While a subpoena is being challenged, the  
20 Title IV-D agency may not impose a fine as provided for under  
21 paragraph (c) until the challenge is complete and the subpoena  
22 been found to be valid.

23 (c)~~(b)~~ The Title IV-D agency is authorized to impose a  
24 fine for failure to comply with a subpoena.~~Prior to making~~  
25 ~~application to the court for an order compelling compliance~~  
26 ~~with a subpoena, the department shall issue a written~~  
27 ~~notification of noncompliance.~~ Failure to comply with the  
28 subpoena, or to challenge the subpoena as provided in  
29 paragraph (b), within 15 days after service of the subpoena  
30 may result in the agency taking the following actions:~~receipt~~  
31 ~~of the written notification without good cause may result in~~



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

8 1. Imposition of an administrative fine of not more  
9 than \$500.

10 2. Enforcement of the subpoena as provided in s.  
11 120.569(2)(k)2. When the subpoena is enforced pursuant to s.  
12 120.569(2)(k)2. the court may award costs and fees to the  
13 prevailing party in accordance with that section.

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

21 Section 13. Effective October 1, 1999, present  
22 subsection (13) of section 409.2564, Florida Statutes, 1998  
23 Supplement, is renumbered as subsection (14), and a new  
24 subsection (13) is added to that section, to read:

25 409.2564 Actions for support.--

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

30 1. The child is residing with a relative caretaker as  
31 defined in s. 414.0252 and the relative caretaker receives

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1 temporary cash assistance as defined in s. 414.0252; or  
2 2. The child was formerly residing with a relative  
3 caretaker as defined in s. 414.0252, the child support  
4 payments were redirected to the relative caretaker, and the  
5 child is now residing with the original payee,  
6  
7 then the court shall enter a temporary order, ex parte, within  
8 5 days that redirects the child support payments to the  
9 relative caretaker or original payee pending a final hearing  
10 and may grant such relief as the court deems proper. Upon the  
11 filing of a verified motion by the department to redirect  
12 payment, the relative caretaker is deemed a party to the  
13 proceedings.

14 (b) In the event that it is subsequently determined by  
15 the court that the child support payments were improperly  
16 diverted, the department shall pay the improperly diverted  
17 child support payments to the appropriate party and shall  
18 attempt to recoup any child support improperly paid.

19 Section 14. Subsections (1) and (2) of section  
20 409.25641, Florida Statutes, 1998 Supplement, are amended to  
21 read:

22 409.25641 Procedures for processing automated  
23 administrative enforcement requests.--

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

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1 ~~support obligation.~~

2 (2)(a) This request:

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

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

8 (c) Shall constitute a certification by the requesting  
9 state; ~~and~~

10 1. Of the amount of arrearage accrued under the order;  
11 and

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

14 Section 15. Subsection (7) of section 409.25656,  
15 Florida Statutes, is amended to read:

16 409.25656 Garnishment.--

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

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

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

29 1. The provisions of this section relating to levy and  
30 sale of property;

31 2. The procedures applicable to the levy under this

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1 section;

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

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

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

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

11 409.25657 Requirements for financial institutions.--

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

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

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

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1 enforcement.

2 Section 17. Section 409.2577, Florida Statutes, 1998  
3 Supplement, is amended to read:

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

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1 owing an obligation of support for a dependent child.  
2 ~~Information gathered or used by the parent locator service is~~  
3 ~~confidential and exempt from the provisions of s. 119.07(1).~~  
4 The department shall, upon request, ~~may~~ make ~~such~~ information  
5 available only to public officials and agencies of this state;  
6 political subdivisions of this state, including any agency  
7 thereof providing child support enforcement services to  
8 non-Title IV-D clients; the custodial parent, legal guardian,  
9 attorney, or agent of the child; and other states seeking to  
10 locate parents who have deserted their children and other  
11 persons liable for support of dependents, for the sole purpose  
12 of establishing, modifying, or enforcing their liability for  
13 support, and shall make such information available to the  
14 Department of Children and Family Services for the purpose of  
15 diligent search activities pursuant to chapter 39. If the  
16 department has reasonable evidence of domestic violence or  
17 child abuse and the disclosure of information could be harmful  
18 to the custodial parent or the child of such parent, the child  
19 support program director or designee shall notify the  
20 Department of Children and Family Services and the Secretary  
21 of the United States Department of Health and Human Services  
22 of this evidence. Such evidence is sufficient grounds for the  
23 department to disapprove an application for location services.

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

26 741.04 Marriage license issued.--

27 (1) No county court judge or clerk of the circuit  
28 court in this state shall issue a license for the marriage of  
29 any person unless there shall be first presented and filed  
30 with him or her an affidavit in writing, signed by both  
31 parties to the marriage, providing the social security numbers

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1 or any other available identification numbers of each party,  
2 made and subscribed before some person authorized by law to  
3 administer an oath, reciting the true and correct ages of such  
4 parties; unless both such parties shall be over the age of 18  
5 years, except as provided in s. 741.0405; and unless one party  
6 is a male and the other party is a female. Pursuant to the  
7 federal Personal Responsibility and Work Opportunity  
8 Reconciliation Act of 1996, each party is required to provide  
9 his or her social security number in accordance with this  
10 section. The state has a compelling interest in promoting not  
11 only marriage but also responsible parenting, which may  
12 include the payment of child support. Any person who has been  
13 issued a social security number shall provide that number.  
14 ~~However, when an individual is not a citizen of the United~~  
15 ~~States and does not have a social security number, alien~~  
16 ~~registration documentation, or other proof of immigration~~  
17 ~~registration from the United States Immigration and~~  
18 ~~Naturalization Service that contains the individual's alien~~  
19 ~~admission number or alien file number, or such other documents~~  
20 ~~as the state determines constitutes reasonable evidence~~  
21 ~~indicating a satisfactory immigration status, shall be~~  
22 ~~provided in lieu of the social security number.~~ Disclosure of  
23 social security numbers or other identification numbers  
24 obtained through this requirement shall be limited to the  
25 purpose of administration of the Title IV-D program for child  
26 support enforcement. Any person who is not a citizen of the  
27 United States may provide either a social security number or  
28 an alien registration number if one has been issued by the  
29 United States Immigration and Naturalization Service. Any  
30 person who is not a citizen of the United States and who has  
31 not been issued a social security number or an alien

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1 registration number is encouraged to provide another form of  
2 identification. Nothing in this subsection shall be construed  
3 to mean that a county court judge or clerk of the circuit  
4 court in this state shall not issue a marriage license to  
5 individuals who are not citizens of the United States if one  
6 or both of the parties are unable to provide a social security  
7 number, alien registration number, or other identification  
8 number.

9       Section 19. (1) Funds from the Clerk of Court Child  
10 Support Enforcement Collection System Trust Fund have been  
11 identified by the Florida Association of Court Clerks and  
12 Comptrollers to assist in compensating for the actual,  
13 documented cost for full participation in the Clerk of Court  
14 Child Support Enforcement Collection System for Miami-Dade,  
15 Seminole, and Collier counties, as follows:

16           (a) \$207,000 to Miami-Dade County;

17           (b) \$107,000 to Collier County; and

18           (c) \$107,000 to Seminole County.

19       (2) The respective county shall be reimbursed such  
20 costs or 50 percent of the actual, documented cost for full  
21 participation in the Clerk of Court Child Support Enforcement  
22 Collection System, whichever is greater, by the Clerk of Court  
23 Child Support Enforcement Collection System Trust Fund after  
24 any costs are paid by any other sources. Actual, documented  
25 cost for full participation shall be determined by a jointly  
26 funded independent entity selected by agreement of each  
27 respective clerk and the Florida Association of Court Clerks  
28 and Comptrollers. Any amount paid to the respective county  
29 which is in excess of the actual cost to the county shall be  
30 spent on ongoing maintenance of the automated child support  
31 enforcement system. Subsequent ongoing maintenance costs



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1 remain the responsibility of the individual participating  
2 depository.

3           Section 20. The sums of \$24,480 from the General  
4 Revenue Fund and \$47,520 from the Grants and Donations Trust  
5 Fund are appropriated to the Department of Revenue to  
6 implement the amendments to section 409.25657, Florida  
7 Statutes, by this act, relating to coordination with financial  
8 institutions in child support enforcement.

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

15           Section 22. There is appropriated from the General  
16 Revenue Fund the sum of \$50,770 and one full-time-equivalent  
17 position to the Department of Revenue to provide non-Title  
18 IV-D location services to political subdivisions of this  
19 state, including any agency thereof providing child support  
20 enforcement services to non-Title IV-D clients, as required by  
21 this act.

22           Section 23. Except as otherwise provided in this act,  
23 this act shall take effect July 1, 1999.

24  
25  
26 ===== T I T L E   A M E N D M E N T =====

27 And the title is amended as follows:

28           Delete everything before the enacting clause

29  
30 and insert:

31   A bill to be entitled

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

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

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that a social security number or other  
documentation be given prior to issuance of a  
marriage license; providing for reimbursement  
to certain counties from the Clerk of Court  
Child Support Enforcement Collection System  
Trust Fund; providing appropriations; providing  
effective dates.