

By the Committee on Children and Families; and Senator  
Diaz-Balart

300-1824-99

1                                   A bill to be entitled  
2           An act relating to child support enforcement;  
3           amending s. 61.052, F.S.; requiring additional  
4           information on children of the marriage and  
5           parties to a dissolution of marriage; amending  
6           s. 61.13, F.S.; requiring certain identifying  
7           information for each minor that is the subject  
8           of a child support order; amending s. 61.1301,  
9           F.S.; clarifying that child support payments  
10          will be made to the State Disbursement Unit;  
11          amending s. 61.13016, F.S.; providing a time  
12          certain for delinquency in payment; amending s.  
13          61.14, F.S.; deleting the requirement that a  
14          certified copy of the support order accompany a  
15          certified statement of delinquent support  
16          payments; amending s. 61.1824, F.S.; clarifying  
17          that support payments will be paid to the State  
18          Disbursement Unit; amending s. 61.1825, F.S.;  
19          defining family violence indicator; amending s.  
20          61.1826, F.S.; amending penalty requirement;  
21          amending s. 409.2558, F.S.; providing for  
22          review of agency action and for overpayment  
23          recovery; authorizing the Department of Revenue  
24          to adopt rules; amending s. 409.2561, F.S.;  
25          providing that the court shall establish  
26          liability of an obligor in compliance with the  
27          child support guidelines; deleting an obsolete  
28          reference; amending s. 409.2564, F.S.;  
29          providing for department authority associated  
30          with subpoenas; providing for a fine; amending  
31          s. 409.25641, F.S.; providing that the term

1 automated administrative enforcement is defined  
2 under the Social Security Act; amending s.  
3 409.25656, F.S.; providing that an obligor may  
4 consent in writing to a levy; amending s.  
5 409.25657, F.S.; providing that the department  
6 shall coordinate with the Federal Parent  
7 Locator Service, where applicable, to develop  
8 and operate a data match system; providing that  
9 the financial institution is required to  
10 provide an average daily balance; amending s.  
11 409.2577, F.S.; deleting a redundant statement;  
12 providing for appropriations; amending s.  
13 741.04, F.S.; modifying the requirement that a  
14 social security number or other documentation  
15 be provided prior to the issuing of a marriage  
16 license; amending s. 839.13, F.S.; allowing  
17 redaction or removal of social security numbers  
18 on court filed documents; providing for  
19 contingent repeal of provisions allowing such  
20 redaction; providing trust fund reimbursement  
21 to certain counties; providing an effective  
22 date.

23

24 Be It Enacted by the Legislature of the State of Florida:

25

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

28 61.052 Dissolution of marriage.--

29 (7) In the initial pleading for a dissolution of  
30 marriage as a separate attachment to the pleading, each party  
31 is required to provide his or her social security number and

1 the full names and social security numbers of each of the  
2 minor children of the marriage.

3 (8) Pursuant to the federal Personal Responsibility  
4 and Work Opportunity Reconciliation Act of 1996, each party is  
5 required to provide his or her social security number in  
6 accordance with this section. Each party is also required to  
7 provide the full name, date of birth, and social security  
8 number for each minor child of the marriage. Disclosure of  
9 social security numbers obtained through this requirement  
10 shall be limited to the purpose of administration of the Title  
11 IV-D program for child support enforcement.

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

15 61.13 Custody and support of children; visitation  
16 rights; power of court in making orders.--

17 (1)

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

26 2. Unless the provisions of subparagraph 3. apply, all  
27 child support orders entered before January 1, 1985, shall be  
28 modified by the court to direct that payments of child support  
29 shall be made through the depository in the county where the  
30 court is located upon the subsequent appearance of either or  
31

1 both parents to modify or enforce the order, or in any related  
2 proceeding.

3 3. If both parties request and the court finds that it  
4 is in the best interest of the child, support payments need  
5 not be directed through the depository. The order of support  
6 shall provide, or shall be deemed to provide, that either  
7 party may subsequently apply to the depository to require  
8 direction of the payments through the depository. The court  
9 shall provide a copy of the order to the depository.

10 4. If the parties elect not to require that support  
11 payments be made through the depository, any party may  
12 subsequently file an affidavit with the depository alleging a  
13 default in payment of child support and stating that the party  
14 wishes to require that payments be made through the  
15 depository. The party shall provide copies of the affidavit to  
16 the court and to each other party. Fifteen days after receipt  
17 of the affidavit, the depository shall notify both parties  
18 that future payments shall be paid through the depository.

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

22 (10) At the time an order for child support is  
23 entered, each party is required to provide his or her social  
24 security number and date of birth to the court as well as the  
25 full name, date of birth, and social security number of each  
26 minor child that is the subject of such child support order ~~if~~  
27 ~~this information has not previously been provided.~~ Pursuant  
28 to the federal Personal Responsibility and Work Opportunity  
29 Reconciliation Act of 1996, each party is required to provide  
30 his or her social security number in accordance with this  
31 section. All social security numbers required by this section

1 must be provided by the parties and maintained by the  
2 depository as a separate attachment in the file. Disclosure of  
3 social security numbers obtained through this requirement  
4 shall be limited to the purpose of administration of the Title  
5 IV-D program for child support enforcement.

6 Section 3. Subsection (1) of section 61.1301, Florida  
7 Statutes, 1998 Supplement, is amended to read:

8 61.1301 Income deduction orders.--

9 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER  
10 ESTABLISHING, ENFORCING, OR MODIFYING AN OBLIGATION FOR  
11 ALIMONY OR CHILD SUPPORT.--

12 (a) Upon the entry of an order establishing,  
13 enforcing, or modifying an obligation for alimony, for child  
14 support, or for alimony and child support, other than a  
15 temporary order, the court shall enter a separate order for  
16 income deduction if one has not been entered. Copies of the  
17 orders shall be served on the obligee and obligor. If the  
18 order establishing, enforcing, or modifying the obligation  
19 directs that payments be made through the depository, the  
20 court shall provide to the depository a copy of the order  
21 establishing, enforcing, or modifying the obligation. If the  
22 obligee is a recipient of Title IV-D services, the court shall  
23 furnish to the Title IV-D agency a copy of the income  
24 deduction order and the order establishing, enforcing, or  
25 modifying the obligation.

26 1. In Title IV-D cases, the Title IV-D agency may  
27 implement income deduction after receiving a copy of an order  
28 from the court under this paragraph or a forwarding agency  
29 under UIFSA, URESA, or RURESAs by issuing an income deduction  
30 notice to the payor.

31

1           2. The income deduction notice must state that it is  
2 based upon a valid support order and that it contains an  
3 income deduction requirement or upon a separate income  
4 deduction order. The income deduction notice must contain the  
5 notice to payor provisions specified by paragraph (2)(e). The  
6 income deduction notice must contain the following information  
7 from the income deduction order upon which the notice is  
8 based: the case number, the court that entered the order, and  
9 the date entered.

10           3. Payors shall deduct support payments from income,  
11 as specified in the income deduction notice, in the manner  
12 provided under paragraph (2)(e).

13           4. In non-Title IV-D cases, the income deduction  
14 notice must be accompanied by a copy of the support order upon  
15 which the notice is based. In Title IV-D cases, upon request  
16 of a payor, the Title IV-D agency shall furnish the payor a  
17 copy of the income deduction order.

18           5. If a support order entered before January 1, 1994,  
19 in a non-Title IV-D case does not specify income deduction,  
20 income deduction may be initiated upon a delinquency without  
21 the need for any amendment to the support order or any further  
22 action by the court. In such case the obligee may implement  
23 income deduction by serving a notice of delinquency on the  
24 obligor as provided for under paragraph (f).

25           (b) The income deduction order shall:

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

31

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

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

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

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

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

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

5 (c) The income deduction order is effective  
6 immediately unless the court upon good cause shown finds that  
7 the income deduction order shall be effective upon a  
8 delinquency in an amount specified by the court but not to  
9 exceed 1 month's payment, pursuant to the order establishing,  
10 enforcing, or modifying the obligation. In order to find good  
11 cause, the court must at a minimum make written findings that:

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

14 2. There is proof of timely payment of the previously  
15 ordered obligation without an income deduction order in cases  
16 of modification; and

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

20 b. There is a signed written agreement providing an  
21 alternative arrangement between the obligor and the obligee  
22 and, at the option of the IV-D agency, by the IV-D agency in  
23 IV-D cases in which there is an assignment of support rights  
24 to the state, reviewed and entered in the record by the court.

25 (d) The income deduction order shall be effective as  
26 long as the order upon which it is based is effective or until  
27 further order of the court. Notwithstanding the foregoing,  
28 however, at such time as the State Disbursement Unit becomes  
29 operational, in those cases in which the obligee is receiving  
30 Title IV-D services and in those cases in which the obligee is  
31 not receiving Title IV-D services in which the initial support



1 order was issued in this state on or after January 1, 1994,  
2 and in which the obligor's child support obligation is being  
3 paid through income deduction, such payments shall be made  
4 payable to and delivered to the State Disbursement Unit and  
5 the payor shall not be obligated to remit with the child  
6 support payment any fee for the receiving, recording,  
7 reporting, disbursing, monitoring, or handling of child  
8 support payments required in such order.

9 (e) Statement of obligor's rights. When the court  
10 orders the income deduction to be effective immediately, the  
11 court shall furnish to the obligor a statement of his or her  
12 rights, remedies, and duties in regard to the income deduction  
13 order. The statement shall state:

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

15 2. The total amount of income to be deducted for each  
16 pay period until the arrearage, if any, is paid in full and  
17 shall state the total amount of income to be deducted for each  
18 pay period thereafter. The amounts deducted may not be in  
19 excess of that allowed under s. 303(b) of the Consumer Credit  
20 Protection Act, 15 U.S.C. s. 1673(b), as amended.

21 3. That the income deduction order applies to current  
22 and subsequent payors and periods of employment.

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

26 5. That enforcement of the income deduction order may  
27 only be contested on the ground of mistake of fact regarding  
28 the amount owed pursuant to the order establishing, enforcing,  
29 or modifying the obligation, the arrearages, or the identity  
30 of the obligor, the payor, or the obligee.

31

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

5           (f) Notice of delinquency. If a support order was  
6 entered before January 1, 1994, or the court orders the income  
7 deduction to be effective upon a delinquency as provided in  
8 paragraph (c), the obligee or, in Title IV-D cases, the Title  
9 IV-D agency may enforce the income deduction by serving a  
10 notice of delinquency on the obligor under this subsection.

11           1. The notice of delinquency shall state:

12           a. The terms of the order establishing, enforcing, or  
13 modifying the obligation.

14           b. The period of delinquency and the total amount of  
15 the delinquency as of the date the notice is mailed.

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

17           d. The total amount of income to be deducted for each  
18 pay period until the arrearage, and all applicable fees and  
19 interest, is paid in full and shall state the total amount of  
20 income to be deducted for each pay period thereafter. The  
21 amounts deducted may not be in excess of that allowed under s.  
22 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.  
23 1673(b), as amended.

24           e. That the income deduction order applies to current  
25 and subsequent payors and periods of employment.

26           f. That a copy of the notice of delinquency will be  
27 served on the obligor's payor or payors, together with a copy  
28 of the income deduction order or, in Title IV-D cases, the  
29 income deduction notice, unless the obligor applies to the  
30 court to contest enforcement of the income deduction. The  
31

1 application shall be filed within 15 days after the date the  
2 notice of delinquency was served.

3 g. That enforcement of the income deduction order may  
4 only be contested on the ground of mistake of fact regarding  
5 the amount owed pursuant to the order establishing, enforcing,  
6 or modifying the obligation, the amount of arrearages, or the  
7 identity of the obligor, the payor, or the obligee.

8 h. That the obligor is required to notify the obligee  
9 of the obligor's current address and current payors and of the  
10 address of current payors. All changes shall be reported by  
11 the obligor within 7 days. If the IV-D agency is enforcing  
12 the order, the obligor shall make these notifications to the  
13 agency instead of to the obligee.

14 2. The failure of the obligor to receive the notice of  
15 delinquency does not preclude subsequent service of the income  
16 deduction order or, in Title IV-D cases, the income deduction  
17 notice on the obligor's payor. A notice of delinquency which  
18 fails to state an arrearage does not mean that an arrearage is  
19 not owed.

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

22 1. Modify, suspend, or terminate the income deduction  
23 order in accordance with a modification, suspension, or  
24 termination of the support provisions in the underlying order;  
25 or

26 2. Modify the amount of income deducted when the  
27 arrearage has been paid.

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

30 61.13016 Suspension of driver's licenses and motor  
31 vehicle registrations.--

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

22           (a) The terms of the order creating the child support  
23 obligation;

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

28           (c) That notification will be given to the Department  
29 of Highway Safety and Motor Vehicles to suspend the obligor's  
30 driver's license and motor vehicle registration unless, within  
31 20 days after the date the notice is mailed, the obligor:

- 1           1.a. Pays the delinquency in full;  
2           b. Enters into a written agreement for payment with  
3 the obligee in non-IV-D cases or with the Title IV-D agency in  
4 IV-D cases; or in IV-D cases, complies with a subpoena or  
5 order to appear, order to show cause, or a similar order; or  
6           c. Files a petition with the circuit court to contest  
7 the delinquency action; and  
8           2. Pays any applicable delinquency fees.

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

14           Section 5. Paragraph (a) of subsection (6) of section  
15 61.14, Florida Statutes, 1998 Supplement, is amended to read:

16           61.14 Enforcement and modification of support,  
17 maintenance, or alimony agreements or orders.--

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

1           2. A certified ~~copy of the support order and a~~  
2 ~~certified~~ statement by the local depository evidencing a  
3 delinquency in support payments constitute evidence of the  
4 final judgment under this paragraph.

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

16           (b)1. When an obligor is 15 days delinquent in making  
17 a payment or installment of support, the local depository  
18 shall serve notice on the obligor informing him or her of:

19           a. The delinquency and its amount.

20           b. An impending judgment by operation of law against  
21 him or her in the amount of the delinquency and all other  
22 amounts which thereafter become due and are unpaid, together  
23 with costs and a fee of \$5, for failure to pay the amount of  
24 the delinquency.

25           c. The obligor's right to contest the impending  
26 judgment and the ground upon which such contest can be made.

27           d. The local depository's authority to release  
28 information regarding the delinquency to one or more credit  
29 reporting agencies.

30           2. The local depository shall serve the notice by  
31 mailing it by first class mail to the obligor at his or her

1 last address of record with the local depository. If the  
2 obligor has no address of record with the local depository,  
3 service shall be by publication as provided in chapter 49.

4 3. When service of the notice is made by mail, service  
5 is complete on the date of mailing.

6 (c) Within 15 days after service of the notice is  
7 complete, the obligor may file with the court that issued the  
8 support order, or with the court in the circuit where the  
9 local depository which served the notice is located, a motion  
10 to contest the impending judgment. An obligor may contest the  
11 impending judgment only on the ground of a mistake of fact  
12 regarding an error in whether a delinquency exists, in the  
13 amount of the delinquency, or in the identity of the obligor.

14 (d) The court shall hear the obligor's motion to  
15 contest the impending judgment within 15 days after the date  
16 of the filing of the motion. Upon the court's denial of the  
17 obligor's motion, the amount of the delinquency and all other  
18 amounts which thereafter become due, together with costs and a  
19 fee of \$5, become a final judgment by operation of law against  
20 the obligor. The depository shall charge interest at the rate  
21 established in s. 55.03 on all judgments for child support.

22 (e) If the obligor fails to file a motion to contest  
23 the impending judgment within the time limit prescribed in  
24 paragraph (c) and fails to pay the amount of the delinquency  
25 and all other amounts which thereafter become due, together  
26 with costs and a fee of \$5, such amounts become a final  
27 judgment by operation of law against the obligor at the  
28 expiration of the time for filing a motion to contest the  
29 impending judgment.

30 (f)1. Upon request of any person, the local depository  
31 shall issue, upon payment of a fee of \$5, a payoff statement

1 of the total amount due under the judgment at the time of the  
2 request. The statement may be relied upon by the person for up  
3 to 30 days from the time it is issued unless proof of  
4 satisfaction of the judgment is provided.

5         2. When the depository records show that the obligor's  
6 account is current, the depository shall record a satisfaction  
7 of the judgment upon request of any interested person and upon  
8 receipt of the appropriate recording fee. Any person shall be  
9 entitled to rely upon the recording of the satisfaction.

10         3. The local depository, at the direction of the  
11 department, or the obligee in a non-IV-D case, may partially  
12 release the judgment as to specific real property, and the  
13 depository shall record a partial release upon receipt of the  
14 appropriate recording fee.

15         4. The local depository is not liable for errors in  
16 its recordkeeping, except when an error is a result of  
17 unlawful activity or gross negligence by the clerk or his or  
18 her employees.

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

21             61.1824 State Disbursement Unit.--

22             (6) Effective October 1, 1999, or such earlier date as  
23 the State Disbursement Unit becomes operational, all support  
24 payments for cases to which the requirements of this section  
25 apply shall be made payable to and delivered to the State  
26 Disbursement Unit. Notwithstanding any other statutory  
27 provision to the contrary, funds received by the State  
28 Disbursement Unit shall be held, administered, and disbursed  
29 by the State Disbursement Unit pursuant to the provisions of  
30 this chapter.



1           Section 7. Section 61.1825, Florida Statutes, 1998  
2 Supplement, is amended to read:

3           61.1825 State Case Registry.--

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

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

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

13  
14 The department shall maintain that part of the State Case  
15 Registry that includes support order information for Title  
16 IV-D cases on the department's child support enforcement  
17 automated system.

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

26           (a) The names of the obligor, obligee, and child or  
27 children;

28           (b) The social security numbers of the obligor,  
29 obligee, and child or children;

30           (c) The dates of birth of the obligor, obligee, and  
31 child or children;

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

4 (e) The date the support order was established or  
5 modified;

6 (f) The case identification number, which is the  
7 two-digit numeric county code followed by the civil circuit  
8 case number;

9 (g) The federal information processing system numeric  
10 designation for the county and state where the support order  
11 was established or modified; and

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

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

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

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

24 2. A judgment that indicates a finding of domestic  
25 violence;

26 3. The entering of a dependency order pursuant to  
27 chapter 39; or

28 4. A criminal conviction resulting from domestic  
29 violence.

30 (b) A party is a participant in the address  
31 confidentiality program as defined in s. 741.403.

1           (c) The department has received information from the  
2 Domestic Violence and Repeat Violence Injunction Statewide  
3 Verification System that a court has granted a party a  
4 domestic violence or repeat violence injunction.

5           ~~(4)(3)~~ The depository, using standardized data  
6 elements, shall provide the support order information required  
7 by subsection (2) to the entity that maintains the non-Title  
8 IV-D support order information for the State Case Registry at  
9 a frequency and in a format prescribed by the department.

10           ~~(5)(4)~~ The entity that maintains State Case Registry  
11 information for non-Title IV-D cases shall make the  
12 information available to the department in a readable and  
13 searchable electronic format that is compatible with the  
14 department's automated child support enforcement system.

15           ~~(6)(5)~~ State Case Registry information must be  
16 transmitted electronically to the Federal Case Registry of  
17 Child Support Orders by the department in a manner and  
18 frequency prescribed by the United States Secretary of Health  
19 and Human Services.

20           Section 8. Subsection (9) of section 61.1826, Florida  
21 Statutes, is amended to read:

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

26           (9) PENALTIES.--All depositories must participate in  
27 the State Disbursement Unit and the non-Title IV-D component  
28 of the State Case Registry as provided in this chapter. If,  
29 after notice and an opportunity to cure an otherwise curable  
30 default, a depository fails to comply with the material terms  
31 of the cooperative agreement, the failure to comply subjects

1 the county officer or officers responsible for the depository  
2 to the sanctions provided in Article IV of the State  
3 Constitution. However, no county officer or officers shall be  
4 subject to sanctions under Article IV of the State  
5 Constitution for any noncurable default resulting from  
6 circumstances or conditions outside the control of the  
7 depository.~~If a depository fails to comply with this~~  
8 ~~requirement or with any material contractual term or other~~  
9 ~~state or federal requirement, the failure constitutes~~  
10 ~~misfeasance which subjects the county officer or officers~~  
11 ~~responsible for the depository to suspension under Art. IV of~~  
12 ~~the State Constitution. The department shall report any~~  
13 ~~continuing acts of misfeasance by a depository to the Governor~~  
14 ~~and Cabinet and to the Florida Association of Court Clerks.~~

15 Section 9. Section 409.2558, Florida Statutes, 1998  
16 Supplement, is amended to read:

17 409.2558 Child support distribution and  
18 disbursement.--

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

24 (2) A recipient of collection and distribution  
25 services of the department's Child Support Enforcement Program  
26 may request a reconsideration by the department concerning the  
27 amount collected, the date collected, the amount distributed,  
28 the distribution timing, or the calculation of arrears. The  
29 department shall establish by rule a reconsideration procedure  
30 for informal review of agency action in distributing and  
31 disbursing child support payments collected by the department.

1 The procedures must provide the recipients of services with an  
2 opportunity to review the department's actions before a  
3 hearing is requested under chapter 120.

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

9 Section 10. Subsections (1) and (5) of section  
10 409.2561, Florida Statutes, 1998 Supplement, are amended to  
11 read:

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

15 (1) Any payment of public assistance money made to, or  
16 for the benefit of, any dependent child creates an obligation  
17 in an amount determined under the child support guidelines  
18 ~~equal to the amount of public assistance paid.~~ In accordance  
19 with 42 U.S.C. s. 657, the state shall retain amounts  
20 collected only to the extent necessary to reimburse amounts  
21 paid to the family as assistance by the state. 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 11. 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 investigation under  
21 this chapter, any designated employee designated by the  
22 director of this state's Title IV-D agency or authorized under  
23 another state's law may administer oaths or affirmations,  
24 subpoena witnesses and compel their attendance, take evidence  
25 and require the production of any matter which is relevant to  
26 the child support enforcement action ~~investigation~~, including  
27 the existence, description, nature, custody, condition, and  
28 location of any books, documents, or other tangible things and  
29 the identity and location of persons having knowledge of  
30 relevant facts or any other matter reasonably calculated to  
31 lead to the discovery of material evidence.



1           (b) Subpoenas issued by this or any other state's  
2 Title IV-D agency may be challenged in accordance with s.  
3 120.569(2)(k)1. While a subpoena is being challenged, the  
4 Title IV-D agency may not impose a fine as provided for under  
5 this paragraph until the challenge is complete and the  
6 subpoena has been found to be valid ~~Prior to making~~  
7 ~~application to the court for an order compelling compliance~~  
8 ~~with a subpoena, the department shall issue a written~~  
9 ~~notification of noncompliance.~~ Failure to comply with the  
10 subpoena or challenge the subpoena as provided in this  
11 paragraph within 15 days after service of the subpoena may  
12 result in the agency taking the following actions:  
13           1. Imposition of an administrative fine of not more  
14 than \$500;  
15           2. Enforcement of the subpoena as provided in s.  
16 120.569(2)(k)2. When a subpoena is enforced under s.  
17 120.569(2)(k)2., the court may award costs and attorney's fees  
18 to the prevailing party in accordance with that section.  
19           (c) The Title IV-D agency may seek to collect  
20 administrative fines imposed under paragraph (b) by filing a  
21 petition in the circuit court of the judicial circuit in which  
22 the person against whom the fine was imposed resides. All  
23 fines collected under this section shall be deposited into the  
24 Child Support Enforcement Application and Program Revenue  
25 Trust Fund. ~~receipt of the written notification without good~~  
26 ~~cause may result in the application by the Title IV-D agency~~  
27 ~~to the circuit court for an order compelling compliance with~~  
28 ~~the subpoena. The person who is determined to be in~~  
29 ~~noncompliance with the subpoena shall be liable for reasonable~~  
30 ~~attorney's fees and costs associated with the department~~  
31

1 ~~bringing this action upon showing by the department that the~~  
2 ~~person failed to comply with the request without good cause.~~

3 Section 12. Subsection (1) of section 409.25641,  
4 Florida Statutes, 1998 Supplement, is amended to read:

5 409.25641 Procedures for processing automated  
6 administrative enforcement requests.--

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

16 Section 13. Subsection (7) of section 409.25656,  
17 Florida Statutes, is amended to read:

18 409.25656 Garnishment.--

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

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

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

31

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

3           2. The procedures applicable to the levy under this  
4 section;

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

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

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

12           Section 14. Subsection (2) of section 409.25657,  
13 Florida Statutes, is amended to read:

14           409.25657 Requirements for financial institutions.--

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

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

31

1           (b) At the financial institution's option, each  
2 individual who maintains an account at such institution. Use  
3 of this information must be limited to the purpose of  
4 administration of the Title IV-D program for child support  
5 enforcement.

6           Section 15. Section 409.2577, Florida Statutes, 1998  
7 Supplement, is amended to read:

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

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

27 Section 16. (1) The sum of \$73,778 from the General  
28 Revenue Fund and the sum of \$143,216 from the Grants and  
29 Donations Trust Fund are appropriated to the Department of  
30 Revenue to implement the amendments made by this act to  
31 section 409.2558, Florida Statutes, 1998 Supplement.

1           (2) The sum of \$24,480 from the General Revenue Fund  
2 and the sum of \$47,520 from the Grants and Donations Trust  
3 Fund are appropriated to the Department of Revenue to  
4 implement the amendments made by this act to section  
5 409.25657, Florida Statutes, 1998 Supplement.

6           Section 17. Subsection (1) of section 741.04, Florida  
7 Statutes, 1998 Supplement, is amended to read:

8           741.04 Marriage license issued.--

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

27 ~~However, when an individual is not a citizen of the United~~  
28 ~~States and does not have a social security number, alien~~  
29 ~~registration documentation, or other proof of immigration~~  
30 ~~registration from the United States Immigration and~~  
31 ~~Naturalization Service that contains the individual's alien~~

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

21 Section 18. Present subsection (2) of section 839.13,  
22 Florida Statutes, is redesignated as subsection (3) and a new  
23 subsection (2) is added, to read:

24 839.13 Falsifying records.--

25 (2) Redacting or removing social security numbers from  
26 any document or instrument recorded or filed in any court or  
27 registry, prior to disbursement or distribution of that  
28 document or instrument, does not constitute a violation of  
29 this section.

30 Section 19. Section 18 of this act is contingent upon  
31 the passage of a public records exception in SB 928, or

1 similar legislation. If SB 928 or similar legislation fails to  
2 become a law, subsection (2) of section 893.13, Florida  
3 Statutes, as created by this act, is repealed.

4       Section 20. Fifty percent of the actual, documented  
5 cost for full participation for Miami-Dade, Seminole, and  
6 Collier counties will be reimbursed by the Clerk of the Court  
7 Child Support Enforcement Collection System Trust Fund after  
8 any costs are paid by any other sources. Actual documented  
9 cost for full participation will be determined by a jointly  
10 funded, independent entity selected by agreement of each of  
11 the respective county clerks and the Florida Association of  
12 Court Clerks and Comptrollers. Ongoing maintenance costs  
13 remain the responsibility of the individual participating  
14 depository.

15       Section 21. This act shall take effect July 1, 1999.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31



1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 808

4 For purposes of the child support program, this bill requires  
5 the full names and social security numbers of each child of  
6 the marriage in an initial pleading for dissolution of  
7 marriage as wells as requiring the full name, date of birth,  
8 and social security number of each minor (in addition to the  
9 parties) who is the subject of a child support order.

10 Directs that, at such time as the State Disbursement Unit  
11 becomes operational, all child support payments will be made  
12 payable to and delivered to the SDU. Language is clarified to  
13 provide that funds received by the SDU shall be held,  
14 administered, and disbursed by the SDU.

15 The section of law relating to the suspension of a driver's  
16 license and motor vehicle registration is amended to provide a  
17 time-certain (15 days delinquent) for purposes of suspension  
18 of a driver's license and motor vehicle registration.

19 Language allowing a certified copy of the support order as  
20 evidence of a final judgment is deleted. Hereafter, only a  
21 certified statement by the local depository is required.

22 The section of law relevant to the State Case Registry is  
23 amended to provide a definition of the term "family violence  
24 indicator."

25 The section of law relating to marriage license issuance is  
26 amended to provide that any non-citizen may provide either a  
27 social security number or an alien number for purposes of  
28 issuance of a marriage license. If such number is not  
29 available, a county court should still issue the license.

30 The section of law relating to the prohibition on falsifying  
31 public records is amended to provide that social security  
32 numbers may be redacted or removed from any document or  
33 instrument recorded or filed in any court or registry prior to  
34 disbursement of said record. This will require a public  
35 records exception so a severability clause is included for  
36 this section if the passage of a required public records bill  
37 does not occur.

38 A provision is included to allow fifty percent of the actual,  
39 documented net cost for full participation in the State  
40 Disbursement Unit to be paid to Miami-Dade, Seminole, and  
41 Collier Counties from the Clerk of the Court Child Support  
42 Enforcement Collection System Trust Fund.

43 Deletes the section of the bill, as filed, that would allow  
44 the Department of Revenue to redirect payments under a support  
45 order to the department for distribution and disbursement.