

By the Committees on Fiscal Policy; Children and Families; and
Senator Diaz-Balart

309-2138-99

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; requiring deposit
28 into the General Revenue Fund of funds retained
29 by the state to reimburse public assistance
30 payments made to or for the benefit of
31 dependent children; deleting an obsolete

1 reference; amending s. 409.2564, F.S.;

2 providing for department authority associated

3 with subpoenas; providing for a fine; amending

4 s. 409.2564, F.S.; providing an expedited

5 procedure for redirecting child support

6 payments to a relative caretaker under certain

7 circumstances; amending s. 409.25641, F.S.;

8 providing that the term automated

9 administrative enforcement is defined under the

10 Social Security Act; amending s. 409.25656,

11 F.S.; providing that an obligor may consent in

12 writing to a levy; amending s. 409.25657,

13 F.S.; providing that the department shall

14 coordinate with the Federal Parent Locator

15 Service, where applicable, to develop and

16 operate a data match system; providing that the

17 financial institution is required to provide an

18 average daily balance; amending s. 409.2577,

19 F.S.; deleting a redundant statement; providing

20 for appropriations; amending s. 741.04, F.S.;

21 modifying the requirement that a social

22 security number or other documentation be

23 provided prior to the issuing of a marriage

24 license; providing trust fund reimbursement to

25 certain counties; providing an effective date.

26

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

28

29 Section 1. Subsections (7) and (8) of section 61.052,

30 Florida Statutes, 1998 Supplement, are amended to read:

31 61.052 Dissolution of marriage.--

1 (7) In the initial pleading for a dissolution of
2 marriage as a separate attachment to the pleading, each party
3 is required to provide his or her social security number and
4 the full names and social security numbers of each of the
5 minor children of the marriage.

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

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

18 61.13 Custody and support of children; visitation
19 rights; power of court in making orders.--

20 (1)

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

29 2. Unless the provisions of subparagraph 3. apply, all
30 child support orders entered before January 1, 1985, shall be
31 modified by the court to direct that payments of child support

1 shall be made through the depository in the county where the
2 court is located upon the subsequent appearance of either or
3 both parents to modify or enforce the order, or in any related
4 proceeding.

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

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

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

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

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

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

10 61.1301 Income deduction orders.--

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

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

28 1. In Title IV-D cases, the Title IV-D agency may
29 implement income deduction after receiving a copy of an order
30 from the court under this paragraph or a forwarding agency

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1 under UIFSA, URESA, or RURESAs by issuing an income deduction
2 notice to the payor.

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

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

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

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

27 (b) The income deduction order shall:

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

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

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

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

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

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

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

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

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

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

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

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

27 (d) The income deduction order shall be effective as
28 long as the order upon which it is based is effective or until
29 further order of the court. Notwithstanding the foregoing,
30 however, at such time as the State Disbursement Unit becomes
31 operational, in those cases in which the obligee is receiving

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

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

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

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

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

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

28 5. That enforcement of the income deduction order may
29 only be contested on the ground of mistake of fact regarding
30 the amount owed pursuant to the order establishing, enforcing,
31

1 or modifying the obligation, the arrearages, or the identity
2 of the obligor, the payor, or the obligee.

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

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

13 1. The notice of delinquency shall state:

14 a. The terms of the order establishing, enforcing, or
15 modifying the obligation.

16 b. The period of delinquency and the total amount of
17 the delinquency as of the date the notice is mailed.

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

19 d. The total amount of income to be deducted for each
20 pay period until the arrearage, and all applicable fees and
21 interest, is paid in full and shall state the total amount of
22 income to be deducted for each pay period thereafter. The
23 amounts deducted may not be in excess of that allowed under s.
24 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.
25 1673(b), as amended.

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

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

1 court to contest enforcement of the income deduction. The
2 application shall be filed within 15 days after the date the
3 notice of delinquency was served.

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

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

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

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

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

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

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

31

1 61.13016 Suspension of driver's licenses and motor
2 vehicle registrations.--

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

24 (a) The terms of the order creating the child support
25 obligation;

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

30 (c) That notification will be given to the Department
31 of Highway Safety and Motor Vehicles to suspend the obligor's

1 driver's license and motor vehicle registration unless, within
2 20 days after the date the notice is mailed, the obligor:

3 1.a. Pays the delinquency in full;

4 b. Enters into a written agreement for payment with
5 the obligee in non-IV-D cases or with the Title IV-D agency in
6 IV-D cases; or in IV-D cases, complies with a subpoena or
7 order to appear, order to show cause, or a similar order; or

8 c. Files a petition with the circuit court to contest
9 the delinquency action; and

10 2. Pays any applicable delinquency fees.

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

16 Section 5. Paragraph (a) of subsection (6) of section
17 61.14, Florida Statutes, 1998 Supplement, is amended to read:

18 61.14 Enforcement and modification of support,
19 maintenance, or alimony agreements or orders.--

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

1 amount of support payments due the obligee under the judgment
2 has been paid.

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

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

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

21 a. The delinquency and its amount.

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

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

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

1 2. The local depository shall serve the notice by
2 mailing it by first class mail to the obligor at his or her
3 last address of record with the local depository. If the
4 obligor has no address of record with the local depository,
5 service shall be by publication as provided in chapter 49.

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

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

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

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

1 (f)1. Upon request of any person, the local depository
2 shall issue, upon payment of a fee of \$5, a payoff statement
3 of the total amount due under the judgment at the time of the
4 request. The statement may be relied upon by the person for up
5 to 30 days from the time it is issued unless proof of
6 satisfaction of the judgment is provided.

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

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

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

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

23 61.1824 State Disbursement Unit.--

24 (6) Effective October 1, 1999, or such earlier date as
25 the State Disbursement Unit becomes operational, all support
26 payments for cases to which the requirements of this section
27 apply shall be made payable to and delivered to the State
28 Disbursement Unit. Notwithstanding any other statutory
29 provision to the contrary, funds received by the State
30 Disbursement Unit shall be held, administered, and disbursed
31

1 by the State Disbursement Unit pursuant to the provisions of
2 this chapter.

3 Section 7. Section 61.1825, Florida Statutes, 1998
4 Supplement, is amended to read:

5 61.1825 State Case Registry.--

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

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

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

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

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

28 (a) The names of the obligor, obligee, and child or
29 children;

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

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

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

6 (e) The date the support order was established or
7 modified;

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

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

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

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

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

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

26 2. A judgment that indicates a finding of domestic
27 violence;

28 3. The entering of a dependency order pursuant to
29 chapter 39; or

30 4. A criminal conviction resulting from domestic
31 violence.

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

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

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

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

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

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

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

28 (9) PENALTIES.--All depositories must participate in
29 the State Disbursement Unit and the non-Title IV-D component
30 of the State Case Registry as provided in this chapter. If,
31 after notice and an opportunity to cure an otherwise curable

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

17 Section 9. Section 409.2558, Florida Statutes, 1998
18 Supplement, is amended to read:

19 409.2558 Child support distribution and
20 disbursement.--

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

26 (2) A recipient of collection and distribution
27 services of the department's Child Support Enforcement Program
28 may request a reconsideration by the department concerning the
29 amount collected, the date collected, the amount distributed,
30 the distribution timing, or the calculation of arrears. The
31 department shall establish by rule a reconsideration procedure

1 for informal review of agency action in distributing and
2 disbursing child support payments collected by the department.
3 The procedures must provide the recipients of services with an
4 opportunity to review the department's actions before a
5 hearing is requested under chapter 120.

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

11 Section 10. Subsections (1) and (5) of section
12 409.2561, Florida Statutes, 1998 Supplement, are amended to
13 read:

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

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

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

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

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

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

29 (c) The state Medicaid agency, upon receipt of the
30 health coverage information from the IV-D agency, shall notify

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1 the obligor's insuring entity that the Medicaid agency must be
2 notified within 30 days when such coverage is discontinued.

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

9 ~~(e) The executive director of the department and the~~
10 ~~commissioner of the Department of Insurance shall enter into a~~
11 ~~cooperative agreement for requesting and obtaining information~~
12 ~~necessary to effect the purpose and objectives of this~~
13 ~~subsection:~~

14 ~~1. The department shall only request that information~~
15 ~~necessary to determine whether health insurance as defined~~
16 ~~pursuant to s. 624.603 or those health services provided~~
17 ~~pursuant to chapter 641 is discontinued.~~

18 ~~2. All information obtained pursuant to subparagraph~~
19 ~~1. is confidential and exempt from the provisions of s.~~
20 ~~119.07(1).~~

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

28 ~~4. The department and the Department of Insurance~~
29 ~~jointly shall promulgate rules for the development and~~
30 ~~administration of the cooperative agreement. The rules shall~~
31 ~~include the following:~~

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

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

4 ~~c. Procedures for requesting exemption from the~~
5 ~~cooperative agreement based on an unreasonable burden to the~~
6 ~~reporting entity.~~

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

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

16 409.2564 Actions for support.--

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

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

1 the identity and location of persons having knowledge of
2 relevant facts or any other matter reasonably calculated to
3 lead to the discovery of material evidence.

4 (b) Subpoenas issued by this or any other state's
5 Title IV-D agency may be challenged in accordance with s.
6 120.569(2)(k)1. While a subpoena is being challenged, the
7 Title IV-D agency may not impose a fine as provided for under
8 this paragraph until the challenge is complete and the
9 subpoena has been found to be valid ~~Prior to making~~
10 ~~application to the court for an order compelling compliance~~
11 ~~with a subpoena, the department shall issue a written~~
12 ~~notification of noncompliance.~~ Failure to comply with the
13 subpoena or challenge the subpoena as provided in this
14 paragraph within 15 days after service of the subpoena may
15 result in the agency taking the following actions:

16 1. Imposition of an administrative fine of not more
17 than \$500;

18 2. Enforcement of the subpoena as provided in s.
19 120.569(2)(k)2. When a subpoena is enforced under s.
20 120.569(2)(k)2., the court may award costs and attorney's fees
21 to the prevailing party in accordance with that section.

22 (c) The Title IV-D agency may seek to collect
23 administrative fines imposed under paragraph (b) by filing a
24 petition in the circuit court of the judicial circuit in which
25 the person against whom the fine was imposed resides. All
26 fines collected under this section shall be deposited into the
27 Child Support Enforcement Application and Program Revenue
28 Trust Fund. ~~receipt of the written notification without good~~
29 ~~cause may result in the application by the Title IV-D agency~~
30 ~~to the circuit court for an order compelling compliance with~~
31 ~~the subpoena. The person who is determined to be in~~

1 ~~noncompliance with the subpoena shall be liable for reasonable~~
2 ~~attorney's fees and costs associated with the department~~
3 ~~bringing this action upon showing by the department that the~~
4 ~~person failed to comply with the request without good cause.~~

5 Section 12. Effective October 1, 1999, present
6 subsection (13) of section 409.2564, Florida Statutes, 1998
7 Supplement, is redesignated as subsection (14), and a new
8 subsection (13) is added to that section, to read:

9 409.2564 Actions for support.--

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

14 1. The child is residing with a relative caretaker, as
15 defined in s. 414.0252, and the relative caretaker receives
16 temporary cash assistance, as defined in s. 414.0252; or

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

21
22 The court shall enter a temporary order, ex parte, within 5
23 days which redirects the child support payments to the
24 relative caretaker or the original payee, pending a final
25 hearing, and may grant such relief as the court deems proper.
26 Upon the filing of a verified motion by the department to
27 redirect payment, the relative caretaker is deemed a party to
28 the proceedings.

29 (b) If the court subsequently determines that the
30 child support payments were improperly diverted, the
31 department shall pay the improperly diverted child support

1 payments to the appropriate party and shall attempt to recoup
2 any child support improperly paid.

3 Section 13. 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 14. 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 15. 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 16. 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 17. The sum of \$24,480 from the General
28 Revenue Fund and the sum of \$47,520 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 409.25657, Florida Statutes, 1998 Supplement.

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

3 741.04 Marriage license issued.--

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

22 ~~However, when an individual is not a citizen of the United~~
23 ~~States and does not have a social security number, alien~~
24 ~~registration documentation, or other proof of immigration~~
25 ~~registration from the United States Immigration and~~
26 ~~Naturalization Service that contains the individual's alien~~
27 ~~admission number or alien file number, or such other documents~~
28 ~~as the state determines constitutes reasonable evidence~~
29 ~~indicating a satisfactory immigration status, shall be~~
30 ~~provided in lieu of the social security number. Disclosure of~~
31 social security numbers or other identification numbers

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

16 Section 19. Fifty percent of the actual, documented
17 cost for full participation for Miami-Dade, Seminole, and
18 Collier counties will be reimbursed by the Clerk of the Court
19 Child Support Enforcement Collection System Trust Fund after
20 any costs are paid by any other sources. Actual documented
21 cost for full participation will be determined by a jointly
22 funded, independent entity selected by agreement of each of
23 the respective county clerks and the Florida Association of
24 Court Clerks and Comptrollers. Ongoing maintenance costs
25 remain the responsibility of the individual participating
26 depository.

27 Section 20. 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 409.2564, Florida Statutes.

1 Section 21. Except as otherwise expressly provided in
2 this act, this act shall take effect July 1, 1999.

3
4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 CS/SB 808

7 Provides that child support collections for public assistance
8 recipients shall be deposited into the General Revenue Fund up
to the level specified in s. 61.1812, F.S.

9 Provides an expedited procedure for redirecting child support
payments to a relative caretaker under certain circumstances.

10 Deletes the section related to falsifying records that allowed
11 redaction or removal of social security numbers on court filed
12 documents and language that provided for contingent repeal of
provisions allowing such redaction.

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