

By Senator Jones

40-331B-00

1                                   A bill to be entitled  
 2           An act relating to child support; amending s.  
 3           61.13, F.S.; requiring judges of compensation  
 4           claims to consider the interests of the worker  
 5           and the worker's family when approving  
 6           settlements of workers' compensation claims;  
 7           requiring recovery of any child-support  
 8           arrearage from those settlements; specifying  
 9           that exemptions from creditors' claims on  
 10          workers' compensation payments or settlements  
 11          do not extend to claims of child support;  
 12          amending s. 61.30, F.S.; providing that gross  
 13          income includes all workers' compensation  
 14          benefits and settlements; providing an  
 15          effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

18  
 19           Section 1. Paragraph (b) of subsection (1) of section  
 20          61.13, Florida Statutes, is amended to read:

21           61.13 Custody and support of children; visitation  
 22          rights; power of court in making orders.--

23           (1)

24           (b) Each order for child support shall contain a  
 25          provision for health insurance for the minor child when the  
 26          insurance is reasonably available. Insurance is reasonably  
 27          available if either the obligor or obligee has access at a  
 28          reasonable rate to group insurance. The court may require the  
 29          obligor either to provide health insurance coverage or to  
 30          reimburse the obligee for the cost of health insurance  
 31          coverage for the minor child when coverage is provided by the

1 obligee. In either event, the court shall apportion the cost  
2 of coverage, and any noncovered medical, dental, and  
3 prescription medication expenses of the child, to both parties  
4 by adding the cost to the basic obligation determined pursuant  
5 to s. 61.30(6). The court may order that payment of uncovered  
6 medical, dental, and prescription medication expenses of the  
7 minor child be made directly to the payee on a percentage  
8 basis.

9           1. A copy of the court order for insurance coverage  
10 shall be served on the obligor's payor or union by the obligee  
11 or the IV-D agency when the following conditions are met:

12           a. The obligor fails to provide written proof to the  
13 obligee or the IV-D agency within 30 days of receiving  
14 effective notice of the court order, that the insurance has  
15 been obtained or that application for insurability has been  
16 made;

17           b. The obligee or IV-D agency serves written notice of  
18 its intent to enforce medical support on the obligor by mail  
19 at the obligor's last known address; and

20           c. The obligor fails within 15 days after the mailing  
21 of the notice to provide written proof to the obligee or the  
22 IV-D agency that the insurance coverage existed as of the date  
23 of mailing.

24           2. In cases in which the noncustodial parent provides  
25 health care coverage and the noncustodial parent changes  
26 employment and the new employer provides health care coverage,  
27 the IV-D agency shall transfer notice of the provision to the  
28 employer, which notice shall operate to enroll the child in  
29 the noncustodial parent's health plan, unless the noncustodial  
30 parent contests the notice. Notice to enforce medical  
31 coverage under this section shall be served by the IV-D agency

1 upon the obligor by mail at the obligor's last known address.  
2 The obligor shall have 15 days from the date of mailing of the  
3 notice to contest the notice with the IV-D agency.

4           3. Upon receipt of the order pursuant to subparagraph  
5 1. or the notice pursuant to subparagraph 2., or upon  
6 application of the obligor pursuant to the order, the payor,  
7 union, or employer shall enroll the minor child as a  
8 beneficiary in the group insurance plan and withhold any  
9 required premium from the obligor's income. If more than one  
10 plan is offered by the payor, union, or employer, the child  
11 shall be enrolled in the insurance plan in which the obligor  
12 is enrolled.

13           4. The Department of Revenue shall have the authority  
14 to adopt rules to implement the child support enforcement  
15 provisions of this section.

16           5. When reviewing any settlement of lump-sum payment  
17 pursuant to s. 440.20(11)(a) and (b), judges of compensation  
18 claims shall consider the interests of the worker and the  
19 worker's family when approving the settlement, which must  
20 include recovery of any child-support arrearage.

21           6. Exemption from creditors claims pursuant to s.  
22 440.22 does not extend to claims of child support.

23           Section 2. Paragraph (a) of subsection (2) of section  
24 61.30, Florida Statutes, is amended to read:

25           61.30 Child support guidelines; retroactive child  
26 support.--

27           (2) Income shall be determined on a monthly basis for  
28 the obligor and for the obligee as follows:

29           (a) Gross income shall include, but is not limited to,  
30 the following items:

31           1. Salary or wages.

- 1           2. Bonuses, commissions, allowances, overtime, tips,  
2 and other similar payments.
- 3           3. Business income from sources such as  
4 self-employment, partnership, close corporations, and  
5 independent contracts. "Business income" means gross receipts  
6 minus ordinary and necessary expenses required to produce  
7 income.
- 8           4. Disability benefits.
- 9           5. All worker's compensation benefits and settlements.
- 10          6. Unemployment compensation.
- 11          7. Pension, retirement, or annuity payments.
- 12          8. Social security benefits.
- 13          9. Spousal support received from a previous marriage  
14 or court ordered in the marriage before the court.
- 15          10. Interest and dividends.
- 16          11. Rental income, which is gross receipts minus  
17 ordinary and necessary expenses required to produce the  
18 income.
- 19          12. Income from royalties, trusts, or estates.
- 20          13. Reimbursed expenses or in kind payments to the  
21 extent that they reduce living expenses.
- 22          14. Gains derived from dealings in property, unless  
23 the gain is nonrecurring.

24           Section 3. This act shall take effect July 1, 2000.

25  
26  
27  
28  
29  
30  
31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Modifies the definition of "income" for purposes of the payment of child support to include all workers' compensation benefits and settlements. Requires a judge of compensation claims, when reviewing any settlement of lump-sum payment under section 440.20(11)(a) and (b), Florida Statutes, to consider the interest of the worker and the worker's family, which must include recovery of any child support arrearage. Provides that exemptions from the claims of creditors for workers' compensation benefits do not apply to child support claims.