

By Senator Silver

38-1083-00

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

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

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

21 6. Exemption from creditors' claims under s. 440.22
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.

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SENATE SUMMARY

Authorizes judges of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims and requires the recovery of any child-support arrearage from those settlements. Provides that exemptions from creditors' claims on workers' compensation payments or settlements do not extend to claims of child support. Specifies that all workers' compensation income is subject to child-support claims.