

Bill No. CS for SB 1284

Amendment No. Barcode 463278

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Peaden moved the following amendment:

Senate Amendment

On page 61, line 2, through page 65, line 15, delete those lines

and insert:

(10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

(a) A noncustodial parent has the right to seek judicial review of an administrative support order or a final order denying an administrative support order in accordance with s. 120.68. The department has the right to seek judicial review, in accordance with s. 120.68, of an administrative support order or a final order denying an administrative support order entered by an administrative law judge of the Division of Administrative Hearings.

(b) An administrative support order rendered under this section may be enforced by any circuit court in the same manner as a support order issued by the court, except for contempt. If the circuit court issues its own order based on

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1 the administrative support order, the circuit court may
2 enforce its own order by contempt. Enforcement by the court,
3 without any change by the court in the support obligations
4 established in the administrative support order, does not
5 supersede the administrative support order or affect the
6 department's authority to modify the administrative support
7 order as provided by subsection (12).

8 (c) A circuit court of this state, where venue is
9 proper and the court has jurisdiction of the parties, may
10 enter an order prospectively changing the support obligations
11 established in an administrative support order, in which case
12 the administrative support order is superseded and the court's
13 order shall govern future proceedings in the case. Any unpaid
14 support owed under the superseded administrative support order
15 may not be retroactively modified by the circuit court, except
16 as provided by s. 61.14(1)(a), and remains enforceable by the
17 department, by the obligee, or by the court. In all cases in
18 which an administrative support order is superseded, the court
19 shall determine the amount of any unpaid support owed under
20 the administrative support order and shall include the amount
21 as arrearage in its superseding order.

22 (11) EFFECTIVENESS OF ADMINISTRATIVE SUPPORT
23 ORDER.--An administrative support order rendered under this
24 section remains in effect until modified by the department,
25 vacated on appeal, or superseded by a subsequent court order.
26 If the department closes a Title IV-D case in which an
27 administrative support order has been rendered:

28 (a) The department shall take no further action to
29 enforce or modify the administrative support order;

30 (b) The administrative support order remains effective
31 until superseded by a subsequent court order; and

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1 (c) The administrative support order may be enforced
2 by the obligee by any means provided by law.

3 (12) MODIFICATION OF ADMINISTRATIVE SUPPORT ORDER.--If
4 it has not been superseded by a subsequent court order, the
5 department may modify an administrative support order in a
6 Title IV-D case prospectively, subject to the requirements for
7 modifications of judicial support orders established in
8 chapters 61 and 409, by following the same procedures set
9 forth in this section for establishing an administrative
10 support order, as applicable.

11 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT
12 TO ADDRESS OF RECORD.--In all proceedings pursuant to this
13 section:

14 (a) The noncustodial parent and custodial parent must
15 execute and furnish to the department, no later than 20 days
16 after receipt of the notice of proceeding to establish
17 administrative support order, a financial affidavit in the
18 form prescribed in the Florida Family Law Rules of Procedure.
19 An updated financial affidavit must be executed and furnished
20 to the department at the inception of each proceeding to
21 modify an administrative support order. Caretaker relatives
22 are not required to furnish financial affidavits.

23 (b) The noncustodial parent, custodial parent, and
24 caretaker relative if applicable, shall disclose to the
25 department, no later than 20 days after receipt of the notice
26 of proceeding to establish administrative support order, and
27 update as appropriate, information regarding their identity
28 and location, including names they are known by; social
29 security numbers; residential and mailing addresses; telephone
30 numbers; driver's license numbers; and names, addresses, and
31 telephone numbers of employers. Pursuant to the federal

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1 Personal Responsibility and Work Opportunity Reconciliation
2 Act of 1996, each person must provide his or her social
3 security number in accordance with this section. Disclosure of
4 social security numbers obtained through this requirement
5 shall be limited to the purpose of administration of the Title
6 IV-D program for child support enforcement.

7 (c) The noncustodial parent, custodial parent, and
8 caretaker relative, if applicable, have a continuing
9 obligation to promptly inform the department in writing of any
10 change in their mailing addresses to ensure receipt of all
11 subsequent pleadings, notices, payments, statements, and
12 orders, and receipt is presumed if sent by regular mail to the
13 most recent address furnished by the person.

14 (14) JUDICIAL PLEADINGS AND MOTIONS.--A party to any
15 subsequent judicial proceeding concerning the support of the
16 same child or children shall affirmatively plead the existence
17 of, and furnish the court with a correct copy of, an
18 administrative support order rendered under this section, and
19 shall provide the department with a copy of the initial
20 pleading. The department may intervene as a matter of right in
21 any such judicial proceeding involving issues within the scope
22 of the Title IV-D case.

23 (15) PROVISIONS SUPPLEMENTAL TO EXISTING LAW.--This
24 section does not limit or negate the department's authority to
25 seek establishment of child support obligations under any
26 other applicable law.

27 (16) RULEMAKING AUTHORITY.--The department may adopt
28 rules to administer this section.

29 (17) PILOT PROGRAM.--For the purpose of identifying
30 measurable outcomes, the pilot program shall be located in a
31 county selected by the Department of Revenue having a

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1 population of fewer than 500,000, in which the Title IV-D
2 caseload did not exceed 20,000 cases, and the obligation rate
3 was approximately 65 percent at the end of the 1999-2000
4 fiscal year. The Department of Revenue shall develop
5 measurable outcomes that at a minimum consist of the
6 department's support order establishment performance measures
7 that are applicable to this pilot program, a measure of the
8 effectiveness of the pilot program in establishing support
9 orders as compared to the judicial process, and a measure of
10 the cost-efficiency of the pilot program as compared to the
11 judicial process. The Department of Revenue and the Division
12 of Administrative Hearings shall implement the pilot program
13 established by this section on July 1, 2001, or as soon
14 thereafter as practicable. The department shall use the
15 procedures of this section to establish support obligations in
16 Title IV-D cases on behalf of custodial parents or caretaker
17 relatives residing in the county selected for the pilot
18 program. By June 30, 2002, the Department of Revenue shall
19 submit a report on the implementation of the pilot program to
20 the Governor and Cabinet, the President of the Senate, and the
21 Speaker of the House of Representatives. The Office of Program
22 Policy Analysis and Government Accountability shall conduct an
23 evaluation of the operation and impact of the pilot program.
24 In evaluating the pilot program, achievement of the measurable
25 outcomes must be considered. The Office of Program Policy
26 Analysis and Government Accountability shall submit an
27 evaluation report on the pilot program by June 30, 2003 which
28 must include the findings of the evaluation, the feasibility
29 of a statewide program, and recommendations, if any, for
30 establishing a statewide program. The pilot program expires
31 June 30, 2004 unless continued by action of the legislature.