

By Senator Peaden

1-967-01

1 A bill to be entitled
2 An act relating to child support enforcement;
3 amending ss. 61.11, 61.13, 61.13015, 61.13016,
4 61.13017, 61.181, 61.1824, 409.2557, 409.25575,
5 409.2561, 409.2564, 409.2565, 409.25657,
6 409.2567, 409.2578, 409.2579, 409.2594,
7 409.2598, 414.095, 443.051, F.S.; deleting
8 reference to child support and providing
9 reference to support; amending ss. 69.041,
10 213.053, 231.097, 320.05, 328.42, 414.065,
11 455.203, 456.004, 559.79, 943.053, F.S.;
12 including reference to the definition of
13 support; amending s. 24.115, F.S.; including
14 spousal support or alimony for former spouse of
15 an obligor if child support is being enforced
16 by the Department of Revenue among a list of
17 items which must be paid prior to the award of
18 certain prizes; amending s. 61.046, F.S.;
19 redefining the term "support order"; defining
20 the term "support"; amending s. 61.1354, F.S.;
21 revising provisions with respect to the sharing
22 of information between consumer reporting
23 agencies and the Title IV-D agency; amending s.
24 61.14, F.S.; including reference to the State
25 Disbursement Unit with respect to support
26 payments; amending s. 61.14, F.S.; providing
27 requirements for judges of compensation claims
28 with respect to settlement of a lump-sum
29 payment; amending s. 61.1825, F.S.; revising
30 provisions with respect to the state case
31 registry to include additional provisions

1 requiring the placement of a family violence
2 indicator in the record; amending s. 61.30,
3 F.S.; redefining the term "gross income" with
4 respect to child support guidelines; amending
5 s. 322.058, F.S.; including additional
6 provisions requiring the suspension of a
7 drivers' license for failure to comply with a
8 subpoena, order to appear, order to show cause,
9 or similar order with respect to a delinquent
10 support obligation; amending s. 322.142, F.S.;
11 including an additional reason that
12 reproductions of records with respect to
13 drivers' licenses may be sent from the
14 Department of Highway Safety and Motor
15 Vehicles; amending s. 328.42, F.S.; authorizing
16 the Department of Highway Safety and Motor
17 Vehicles to allow the Department of Revenue to
18 screen applicants for new or renewal vessel
19 registrations to assure compliance with an
20 obligation for support; amending s. 409.2554,
21 F.S.; redefining the term "public assistance"
22 and "support"; defining the terms
23 "undistributable collection" and
24 "unidentifiable collection"; amending s.
25 409.2558, F.S.; revising provisions with
26 respect to support distribution and
27 disbursement to include reference to
28 undistributable collections and unidentifiable
29 collections; amending s. 409.2561, F.S.;
30 deleting reference to public assistance and
31 including reference to temporary cash

1 assistance; amending s. 409.2564, F.S.;
2 revising provisions with respect to actions for
3 support; amending s. 409.25645, F.S.; revising
4 provisions with respect to administrative
5 orders for genetic testing; amending s.
6 409.25656, F.S.; revising provisions with
7 respect to garnishment; amending s. 409.2572,
8 F.S.; including reference to public assistance
9 with respect to certain acts of noncooperation;
10 amending s. 409.2578, F.S.; revising provisions
11 with respect to access to employment
12 information for enforcing support obligations;
13 repealing s. 409.2591, F.S.; relating to
14 unidentifiable moneys held in a special
15 account; amending s. 414.32, F.S.; revising
16 provisions with respect to certain food stamp
17 programs; amending s. 440.20, F.S.; revising
18 provisions with respect to lump-sum payments
19 under workers compensation; amending s. 440.22,
20 F.S.; providing that exemption of workers'
21 compensation claims from creditors does not
22 extend to claims based on an award of child
23 support or alimony; amending s. 742.12, F.S.;
24 revising provisions with respect to scientific
25 testing to determine paternity; providing
26 effective dates.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

30 Section 1. Subsection (4) of section 24.115, Florida
31 Statutes, is amended to read:

1 24.115 Payment of prizes.--

2 (4) It is the responsibility of the appropriate state
3 agency and of the judicial branch to identify to the
4 department, in the form and format prescribed by the
5 department, persons owing an outstanding debt to any state
6 agency or owing child support collected through a court,
7 including spousal support or alimony for the spouse or former
8 spouse of the obligor if the child support obligation is being
9 enforced by the Department of Revenue. Prior to the payment of
10 a prize of \$600 or more to any claimant having such an
11 outstanding obligation, the department shall transmit the
12 amount of the debt to the agency claiming the debt and shall
13 authorize payment of the balance to the prize winner after
14 deduction of the debt. If a prize winner owes multiple debts
15 subject to offset under this subsection and the prize is
16 insufficient to cover all such debts, the amount of the prize
17 shall be transmitted first to the agency claiming that past
18 due child support is owed. If a balance of lottery prize
19 remains after payment of past due child support, the remaining
20 lottery prize amount shall be transmitted to other agencies
21 claiming debts owed to the state, pro rata, based upon the
22 ratio of the individual debt to the remaining debt owed to the
23 state.

24 Section 2. Subsection (18) of section 61.046, Florida
25 Statutes, is amended, and subsection (19) is added to that
26 section, to read:

27 61.046 Definitions.--As used in this chapter:

28 (18) "Support order" means a judgment, decree, or
29 order, whether temporary or final, issued by a court of
30 competent jurisdiction for the support and maintenance of a
31 child which provides for monetary support, health care,

1 arrearages, or past support. When the child support obligation
2 is being enforced by the Department of Revenue, the term
3 "support order" also means a judgment, decree, or order,
4 whether temporary or final, issued by a court of competent
5 jurisdiction for the support and maintenance of a child and
6 the spouse or former spouse of the obligor with whom the child
7 is living which provides for monetary support, health care,
8 arrearages, or past support.

9 (19) "Support," unless otherwise specified, means:

10 (a) Child support and, when the child support
11 obligation is being enforced by the Department of Revenue,
12 spousal support or alimony for the spouse or former spouse of
13 the obligor with whom the child is living.

14 (b) Child support only in cases not being enforced by
15 the Department of Revenue.

16 Section 3. Paragraph (a) of subsection (2) of section
17 61.11, Florida Statutes, is amended to read:

18 61.11 Writs.--

19 (2)(a) When the court issues a writ of bodily
20 attachment in connection with a court-ordered ~~child~~ support
21 obligation, the writ or attachment to the writ must include,
22 at a minimum, such information on the respondent's physical
23 description and location as is required for entry of the writ
24 into the Florida Crime Information Center telecommunications
25 system and authorization for the assessment and collection of
26 the actual costs associated with the service of the writ and
27 transportation of the respondent in compliance thereof. The
28 writ shall direct that service and execution of the writ may
29 be made on any day of the week and any time of the day or
30 night.

31

1 Section 4. Paragraph (a) of subsection (9) of section
2 61.13, Florida Statutes, is amended to read:

3 61.13 Custody and support of children; visitation
4 rights; power of court in making orders.--

5 (9)(a) Beginning July 1, 1997, each party to any
6 paternity or ~~child~~ support proceeding is required to file with
7 the tribunal as defined in s. 88.1011(22) and State Case
8 Registry upon entry of an order, and to update as appropriate,
9 information on location and identity of the party, including
10 social security number, residential and mailing addresses,
11 telephone number, driver's license number, and name, address,
12 and telephone number of employer. Beginning October 1, 1998,
13 each party to any paternity or child support proceeding in a
14 non-Title IV-D case shall meet the above requirements for
15 updating the tribunal and State Case Registry.

16 Section 5. Subsection (1) of section 61.13015, Florida
17 Statutes, is amended to read:

18 61.13015 Petition for suspension or denial of
19 professional licenses and certificates.--

20 (1) An obligee may petition the court which entered
21 the support order or the court which is enforcing the support
22 order for an order to suspend or deny the license or
23 certificate issued pursuant to chapters 231, 409, 455, 456,
24 and 559 of any obligor with a delinquent ~~child~~ support
25 obligation. However, no petition may be filed until the
26 obligee has exhausted all other available remedies. The
27 purpose of this section is to promote the public policy of s.
28 409.2551.

29 Section 6. 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 is
8 15 days delinquent making a payment in ~~child~~ support or
9 failure to comply with a subpoena, order to appear, order to
10 show cause, or similar order in IV-D cases, the Title IV-D
11 agency may provide notice to the obligor of the delinquency or
12 failure to comply with a subpoena, order to appear, order to
13 show cause, or similar order and the intent to suspend by
14 regular United States mail that is posted to the obligor's
15 last address of record with the Department of Highway Safety
16 and Motor Vehicles. When an obligor is 15 days delinquent in
17 making a payment in ~~child~~ support in non-IV-D cases, and upon
18 the request of the obligee, the depository or the clerk of the
19 court must provide notice to the obligor of the delinquency
20 and the intent to suspend by regular United States mail that
21 is posted to the obligor's last address of record with the
22 Department of Highway Safety and Motor Vehicles. In either
23 case, the notice 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 7. Section 61.13017, Florida Statutes, is
17 amended to read:

18 61.13017 Withholding refund of motor vehicle impact
19 fee.--The Department of Revenue must notify the Department of
20 Banking and Finance of the names of delinquent ~~child~~ support
21 obligors and the amount of the delinquencies. If a delinquent
22 ~~child~~ support obligor is entitled to receive a refund of the
23 motor vehicle impact fee from the state, the Department of
24 Banking and Finance must, upon such notice, withhold the
25 amount of the delinquency from the refund to that obligor.
26 The Department of Banking and Finance shall notify the
27 obligors that their refund is being withheld pursuant to this
28 section for the purpose of paying the obligor's delinquent
29 ~~child~~ support obligations. The Department of Banking and
30 Finance must transmit the amount withheld to the Department of
31 Revenue to be applied to the delinquent ~~child~~ support

1 obligation and transmit the balance, if any, to the delinquent
2 obligor.

3 Section 8. Subsections (2) and (3) of section 61.1354,
4 Florida Statutes, are amended to read:

5 61.1354 Sharing of information between consumer
6 reporting agencies and the IV-D agency.--

7 (2) The IV-D agency shall report periodically to
8 appropriate consumer ~~credit~~ reporting agencies, as identified
9 by the IV-D agency, the name and social security number of any
10 delinquent obligor and the amount of overdue support owed by
11 the obligor. The IV-D agency, or its designee, shall provide
12 the obligor with written notice, at least 15 days prior to the
13 initial release of information, of the IV-D agency's authority
14 to release the information periodically to the consumer
15 reporting agencies. The notice shall state the amount of
16 overdue support owed and shall inform the obligor of the right
17 to request a hearing with the IV-D agency within 15 days after
18 receipt of the notice ~~or the court in non-Title-IV-D cases~~ to
19 contest the accuracy of the information. After the initial
20 notice is given, no further notice or opportunity for a
21 hearing need be given when updated information concerning the
22 same obligor is periodically released to the consumer
23 reporting agencies.

24 (3) For purposes of determining an individual's income
25 and establishing an individual's capacity to make ~~child~~
26 support payments or for determining the appropriate amount of
27 child support ~~such~~ payment to be made by the individual,
28 consumer reporting agencies shall provide, upon request,
29 consumer reports to the head of the IV-D agency pursuant to s.
30 604 of the Fair Credit Reporting Act, provided that the head
31 of the IV-D agency, or its designee, certifies that:

1 (a) The consumer report is needed for the purpose of
2 determining an individual's income and establishing an
3 individual's capacity to make ~~child~~ support payments or
4 determining the appropriate amount of child support ~~such~~
5 payment to be made by the individual;

6 (b) Paternity of the child of the individual whose
7 report is sought, if that individual is the father of the
8 child, has been established or acknowledged pursuant to the
9 laws of Florida;

10 (c) The individual whose report is sought was provided
11 with at least 15 days' prior notice, by certified or
12 registered mail to the individual's last known address, that
13 the report was requested; and

14 (d) The consumer report will be used solely for the
15 purpose described in paragraph (a).

16 Section 9. Paragraphs (a) and (d) of subsection (6) of
17 section 61.14, Florida Statutes, 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 or through the State Disbursement Unit, any
22 payment or installment of support which becomes due and is
23 unpaid under any support order is delinquent; and this unpaid
24 payment or installment, and all other costs and fees herein
25 provided for, become, after notice to the obligor and the time
26 for response as set forth in this subsection, a final judgment
27 by operation of law, which has the full force, effect, and
28 attributes of a judgment entered by a court in this state for
29 which execution may issue. No deduction shall be made by the
30 local depository from any payment made for costs and fees
31 accrued in the judgment by operation of law process under

1 paragraph (b) until the total amount of support payments due
2 the obligee under the judgment has been paid.

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

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

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

25 Section 10. Effective July 1, 2001, subsection (8) of
26 section 61.14, Florida Statutes, is amended to read:

27 61.14 Enforcement and modification of support,
28 maintenance, or alimony agreements or orders.--

29 (8)(a) When reviewing any settlement of lump-sum
30 payment pursuant to s. 440.20(11)(a) and (b), judges of
31 compensation claims shall consider the interests of the worker

1 and the worker's family when approving the settlement, which
2 must consider and provide for appropriate recovery of past due
3 support.

4 (b) In accordance with ~~Notwithstanding~~ the provisions
5 of s. 440.22, any compensation due or that may become due an
6 employee under chapter 440 is exempt from garnishment,
7 attachment, execution, and assignment of income, except for
8 the purposes of enforcing child or spousal support
9 obligations.

10 Section 11. Section 61.181, Florida Statutes, is
11 amended to read:

12 61.181 Depository for alimony transactions, support,
13 maintenance, and ~~child~~ support payments; fees.--

14 (1) The office of the clerk of the court shall operate
15 a depository unless the depository is otherwise created by
16 special act of the Legislature or unless, prior to June 1,
17 1985, a different entity was established to perform such
18 functions. The department shall, no later than July 1, 1998,
19 extend participation in the federal child support cost
20 reimbursement program to the central depository in each
21 county, to the maximum extent possible under existing federal
22 law. The depository shall receive reimbursement for services
23 provided under a cooperative agreement with the department
24 pursuant to s. 61.1826. Each depository shall participate in
25 the State Disbursement Unit and shall implement all statutory
26 and contractual duties imposed on the State Disbursement Unit.
27 Each depository shall receive from and transmit to the State
28 Disbursement Unit required data through the Clerk of Court
29 Child Support Enforcement Collection System. Payments on
30 non-Title IV-D cases without income deduction orders shall not
31 be sent to the State Disbursement Unit.

1 (2)(a) For payments not required to be processed
2 through the State Disbursement Unit, the depository shall
3 impose and collect a fee on each payment made for receiving,
4 recording, reporting, disbursing, monitoring, or handling
5 alimony or child support payments as required under this
6 section. For non-Title IV-D cases required to be processed by
7 the State Disbursement Unit pursuant to this chapter, the
8 State Disbursement Unit shall, on each payment received,
9 collect a fee, and shall transmit to the depository in which
10 the case is located 40 percent of such service charge for the
11 depository's administration, management, and maintenance of
12 such case. If a payment is made to the State Disbursement Unit
13 which is not accompanied by the required fee, the State
14 Disbursement Unit shall not deduct any moneys from the support
15 payment for payment of the fee. The fee shall be a flat fee
16 based, to the extent practicable, upon estimated reasonable
17 costs of operation. The fee shall be reduced in any case in
18 which the fixed fee results in a charge to any party of an
19 amount greater than 3 percent of the amount of any support
20 payment made in satisfaction of the amount which the party is
21 obligated to pay, except that no fee shall be less than \$1 nor
22 more than \$5 per payment made. The fee shall be considered by
23 the court in determining the amount of support that the
24 obligor is, or may be, required to pay.

25 (b)1. For the period of July 1, 1992, through June 30,
26 2002, the fee imposed in paragraph (a) shall be increased to 4
27 percent of the support payments which the party is obligated
28 to pay, except that no fee shall be more than \$5.25. The fee
29 shall be considered by the court in determining the amount of
30 support that the obligor is, or may be, required to pay.
31 Notwithstanding the provisions of s. 145.022, 75 percent of

1 the additional revenues generated by this paragraph shall be
2 remitted monthly to the Clerk of the Court Child Support
3 Enforcement Collection System Trust Fund administered by the
4 department as provided in subparagraph 2. These funds shall
5 be used exclusively for the development, implementation, and
6 operation of the Clerk of the Court Child Support Enforcement
7 Collection System to be operated by the depositories,
8 including the automation of civil case information necessary
9 for the State Case Registry. The department shall contract
10 with the Florida Association of Court Clerks and the
11 depositories to design, establish, operate, upgrade, and
12 maintain the automation of the depositories to include, but
13 not be limited to, the provision of on-line electronic
14 transfer of information to the IV-D agency as otherwise
15 required by this chapter. The department's obligation to fund
16 the automation of the depositories is limited to the state
17 share of funds available in the Clerk of the Court Child
18 Support Enforcement Collection System Trust Fund. Each
19 depository created under this section shall fully participate
20 in the Clerk of the Court Child Support Enforcement Collection
21 System and transmit data in a readable format as required by
22 the contract between the Florida Association of Court Clerks
23 and the department.

24 2. No later than December 31, 1996, moneys to be
25 remitted to the department by the depository shall be done
26 daily by electronic funds transfer and calculated as follows:

27 a. For each support payment of less than \$33, 18.75
28 cents.

29 b. For each support payment between \$33 and \$140, an
30 amount equal to 18.75 percent of the fee charged.

31

1 c. For each support payment in excess of \$140, 18.75
2 cents.

3 3. The fees established by this section shall be set
4 forth and included in every order of support entered by a
5 court of this state which requires payment to be made into the
6 depository.

7 (3)(a) For payments not required to be processed
8 through the State Disbursement Unit, the depository shall
9 collect and distribute all support payments paid into the
10 depository to the appropriate party. On or after July 1, 1998,
11 if a payment is made on a Title IV-D case which is not
12 accompanied by the required transaction fee, the depository
13 shall not deduct any moneys from the support payment for
14 payment of the fee. Nonpayment of the required fee shall be
15 considered a delinquency, and when the total of fees and costs
16 which are due but not paid exceeds \$50, the judgment by
17 operation of law process set forth in s. 61.14(6)(a) shall
18 become applicable and operational. As part of its collection
19 and distribution functions, the depository shall maintain
20 records listing:

21 1. The obligor's name, address, social security
22 number, place of employment, and any other sources of income.

23 2. The obligee's name, address, and social security
24 number.

25 3. The amount of support due as provided in the court
26 order.

27 4. The schedule of payment as provided in the court
28 order.

29 5. The actual amount of each support payment received,
30 the date of receipt, the amount disbursed, and the recipient
31 of the disbursement.

1 6. The unpaid balance of any arrearage due as provided
2 in the court order.

3 7. Other records as necessary to comply with federal
4 reporting requirements.

5 (b) The depository may require a payor or obligor to
6 complete an information form, which shall request the
7 following about the payor or obligor who provides payment by
8 check:

9 1. Full name, address, and home phone number.

10 2. Driver's license number.

11 3. Social security number.

12 4. Name, address, and business phone number of
13 obligor's employer.

14 5. Date of birth.

15 6. Weight and height.

16 7. Such other information as may be required by the
17 State Attorney if prosecution for an insufficient check
18 becomes necessary.

19

20 If the depository requests such information, and a payor or
21 obligor does not comply, the depository may refuse to accept
22 personal checks from the payor or obligor.

23 (c) Parties using the depository for support payments
24 shall inform the depository of changes in their names or
25 addresses. An obligor shall, additionally, notify the
26 depository of all changes in employment or sources of income,
27 including the payor's name and address, and changes in the
28 amounts of income received. Notification of all changes shall
29 be made in writing to the depository within 7 days of a
30 change.

31

1 (d) When custody of a child is relinquished by a
2 custodial parent who is entitled to receive child support
3 moneys from the depository to a licensed or registered
4 long-term care child agency, that agency may request from the
5 court an order directing child support payments which would
6 otherwise be distributed to the custodial parent be
7 distributed to the agency for the period of custody of the
8 child by the agency. Thereafter, payments shall be
9 distributed to the agency as if the agency were the custodial
10 parent until further order of the court.

11 (4) The depository shall provide to the IV-D agency,
12 at least once a month, a listing of IV-D accounts which
13 identifies all delinquent accounts, the period of delinquency,
14 and total amount of delinquency. The list shall be in
15 alphabetical order by name of obligor, shall include the
16 obligee's name and case number, and shall be provided at no
17 cost to the IV-D agency.

18 (5) The depository shall accept a support payment
19 tendered in the form of a check drawn on the account of a
20 payor or obligor, unless the payor or obligor has previously
21 remitted a check which was returned to the depository due to
22 lack of sufficient funds in the account. If the payor or
23 obligor has had a check returned for this reason, the
24 depository shall accept payment by cash, cashier's check, or
25 money order, or may accept a check upon deposit by the payor
26 or obligor of an amount equal to 1 month's payment. Upon
27 payment by cash, cashier's check, or money order, the
28 depository shall disburse the proceeds to the obligee within 2
29 working days. Payments drawn by check on the account of a
30 payor or obligor shall be disbursed within 4 working days.
31 Notwithstanding the provisions of s. 28.243, the administrator

1 of the depository shall not be personally liable if the check
2 tendered by the payor or obligor is not paid by the bank.

3 (6) Certified copies of payment records maintained by
4 a depository shall without further proof be admitted into
5 evidence in any legal proceeding in this state.

6 (7) The depository shall provide to the Title IV-D
7 agency the date provided by a payor, as required in s.
8 61.1301, for each payment received and forwarded to the
9 agency. If no date is provided by the payor, the depository
10 shall provide the date of receipt by the depository and shall
11 report to the Title IV-D agency those payors who fail to
12 provide the date the deduction was made.

13 (8) On or before July 1, 1994, the depository shall
14 provide information required by this chapter to be transmitted
15 to the Title IV-D agency by on-line electronic transmission
16 pursuant to rules promulgated by the Title IV-D agency.

17 (9) If the increase in fees as provided by paragraph
18 (2)(b) expires or is otherwise terminated, the depository
19 shall not be required to provide the Title IV-D agency the
20 date provided by a payor as required by s. 61.1301.

21 (10) Compliance with the requirements of this section
22 shall be included as part of the annual county audit required
23 pursuant to s. 11.45.

24 Section 12. Subsection (1) and paragraphs (g), (h),
25 and (m) of subsection (3) of section 61.1824, Florida
26 Statutes, are amended to read:

27 61.1824 State Disbursement Unit.--

28 (1) The State Disbursement Unit is hereby created and
29 shall be operated by the Department of Revenue or by a
30 contractor responsible directly to the department. The State
31

1 Disbursement Unit shall be responsible for the collection and
2 disbursement of payments for:

3 (a) All ~~child~~ support cases enforced by the department
4 pursuant to Title IV-D of the Social Security Act; and

5 (b) All child support cases not being enforced by the
6 department pursuant to Title IV-D of the Social Security Act
7 in which the initial support order was issued in this state on
8 or after January 1, 1994, and in which the obligor's child
9 support obligation is being paid through income deduction.

10 (3) The State Disbursement Unit shall perform the
11 following functions:

12 (g) Disburse ~~child~~ support payments to foreign
13 countries as may be required.

14 (h) Receive and convert ~~child~~ support payments made in
15 foreign currency.

16 (m) Provide toll-free access to customer assistance
17 representatives and an automated voice response system that
18 will enable the parties to a ~~child~~ support case to obtain
19 payment information.

20 Section 13. Effective October 1, 2001, paragraph (a)
21 of subsection (3) of section 61.1825, Florida Statutes, is
22 amended to read:

23 61.1825 State Case Registry.--

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

26 1. A party executes a sworn statement requesting that
27 a family violence indicator be placed on that party's record
28 which states that the party has reason to believe that release
29 of information to the Federal Case Registry may result in
30 physical or emotional harm to the party or the child; or

31

1 2. A temporary or final injunction for protection
2 against domestic violence has been granted pursuant to s.
3 741.30(6), an injunction for protection against domestic
4 violence has been issued by a court of a foreign state
5 pursuant to s. 741.315, or a temporary or final injunction for
6 protection against repeat violence has been granted pursuant
7 to s. 784.046; or

8 3. The department has received information on a Title
9 IV-D case from the Domestic Violence and Repeat Violence
10 Injunction Statewide Verification System, established pursuant
11 to s. 784.046(8)(b), that a court has granted a party a
12 domestic violence or repeat violence injunction.

13 Section 14. Effective July 1, 2001, paragraph (a) of
14 subsection (2) of section 61.30, Florida Statutes, is amended
15 to read:

16 61.30 Child support guidelines; retroactive child
17 support.--

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

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

22 1. Salary or wages.

23 2. Bonuses, commissions, allowances, overtime, tips,
24 and other similar payments.

25 3. Business income from sources such as
26 self-employment, partnership, close corporations, and
27 independent contracts. "Business income" means gross receipts
28 minus ordinary and necessary expenses required to produce
29 income.

30 4. Disability benefits.

31 5. All worker's compensation benefits and settlements.

- 1 6. Unemployment compensation.
- 2 7. Pension, retirement, or annuity payments.
- 3 8. Social security benefits.
- 4 9. Spousal support received from a previous marriage
- 5 or court ordered in the marriage before the court.
- 6 10. Interest and dividends.
- 7 11. Rental income, which is gross receipts minus
- 8 ordinary and necessary expenses required to produce the
- 9 income.
- 10 12. Income from royalties, trusts, or estates.
- 11 13. Reimbursed expenses or in kind payments to the
- 12 extent that they reduce living expenses.
- 13 14. Gains derived from dealings in property, unless
- 14 the gain is nonrecurring.

15 Section 15. Subsection (4) of section 69.041, Florida
16 Statutes, is amended to read:

17 69.041 State named party; lien foreclosure, suit to
18 quiet title.--

19 (4)(a) The Department of Revenue has the right to
20 participate in the disbursement of funds remaining in the
21 registry of the court after distribution pursuant to s.
22 45.031(7). The department shall participate in accordance with
23 applicable procedures in any mortgage foreclosure action in
24 which the department has a duly filed tax warrant, or
25 interests under a lien arising from a judgment, order, or
26 decree for ~~child~~ support, as defined in s. 409.2554, against
27 the subject property and with the same priority, regardless of
28 whether a default against the department has been entered for
29 failure to file an answer or other responsive pleading.

30 (b) With respect to a duly filed tax warrant,
31 paragraph (a) applies only to mortgage foreclosure actions

1 initiated on or after July 1, 1994, and to those mortgage
2 foreclosure actions initiated before July 1, 1994, in which no
3 default has been entered against the Department of Revenue
4 before July 1, 1994. With respect to mortgage foreclosure
5 actions initiated based upon interests under a lien arising
6 from a judgment, order, or decree for ~~child~~ support, paragraph
7 (a) applies only to mortgage foreclosure actions initiated on
8 or after July 1, 1998, and to those mortgage foreclosure
9 actions initiated before July 1, 1998, in which no default has
10 been entered against the Department of Revenue before July 1,
11 1998.

12 Section 16. Subsection (15) of section 213.053,
13 Florida Statutes, is amended to read:

14 213.053 Confidentiality and information sharing.--

15 (15) The department may disclose confidential taxpayer
16 information contained in returns, reports, accounts, or
17 declarations filed with the department by persons subject to
18 any state or local tax to the child support enforcement
19 program, to assist in the location of parents who owe or
20 potentially owe a duty of support, as defined in s. 409.2554,
21 pursuant to Title IV-D of the Social Security Act, their
22 assets, their income, and their employer, and to the
23 Department of Children and Family Services for the purpose of
24 diligent search activities pursuant to chapter 39. Nothing in
25 this subsection authorizes the disclosure of information if
26 such disclosure is prohibited by federal law. Employees of the
27 child support enforcement program and of the Department of
28 Children and Family Services are bound by the same
29 requirements of confidentiality and the same penalties for
30 violation of the requirements as the department.

31

1 Section 17. Section 231.097, Florida Statutes, is
2 amended to read:

3 231.097 Suspension or denial of teaching certificate
4 due to child support delinquency.--The department shall allow
5 applicants for new or renewal certificates and renewal
6 certificateholders to be screened by the Title IV-D child
7 support agency pursuant to s. 409.2598 to assure compliance
8 with an ~~a~~ support obligation for support, as defined in s.
9 409.2554. The purpose of this section is to promote the
10 public policy of this state as established in s. 409.2551.
11 The department shall, when directed by the court, deny the
12 application of any applicant found to have a delinquent
13 support obligation. The department shall issue or reinstate
14 the certificate without additional charge to the
15 certificateholder when notified by the court that the
16 certificateholder has complied with the terms of the court
17 order. The department shall not be held liable for any
18 certificate denial or suspension resulting from the discharge
19 of its duties under this section.

20 Section 18. Subsection (2) of section 320.05, Florida
21 Statutes, is amended to read:

22 320.05 Records of the department; inspection
23 procedure; lists and searches; fees.--

24 (2) Upon receipt of an application for the
25 registration of a motor vehicle or mobile home, as herein
26 provided for, the department shall register the motor vehicle
27 or mobile home under the distinctive number assigned to such
28 motor vehicle or mobile home by the department. Electronic
29 registration records shall be open to the inspection of the
30 public during business hours. Information on a motor vehicle
31 registration may not be made available to a person unless the

1 person requesting the information furnishes positive proof of
2 identification. The agency that furnishes a motor vehicle
3 registration record shall record the name and address of any
4 person other than a representative of a law enforcement agency
5 who requests and receives information from a motor vehicle
6 registration record and shall also record the name and address
7 of the person who is the subject of the inquiry or other
8 information identifying the entity about which information is
9 requested. A record of each such inquiry must be maintained
10 for a period of 6 months from the date upon which the
11 information was released to the inquirer. Nothing in this
12 section shall prohibit any financial institution, insurance
13 company, motor vehicle dealer, licensee under chapter 493,
14 attorney, or other agency which the department determines has
15 the right to know from obtaining, for professional or business
16 use only, information in such records from the department
17 through any means of telecommunication pursuant to a code
18 developed by the department providing all fees specified in
19 subsection (3) have been paid. The department shall disclose
20 records or information to the child support enforcement agency
21 to assist in the location of individuals who owe or
22 potentially owe ~~child support~~, as defined in s. 409.2554, or
23 to whom such an obligation is owed pursuant to Title IV-D of
24 the Social Security Act.

25 Section 19. Effective July 1, 2001, subsections (1)
26 and (2) of section 322.058, Florida Statutes, are amended to
27 read:

28 322.058 Suspension of driving privileges due to child
29 support delinquency.--

30 (1) When the department receives notice from the Title
31 IV-D agency or depository or the clerk of the court that any

1 person licensed to operate a motor vehicle in the State of
2 Florida under the provisions of this chapter has a delinquent
3 ~~child support obligation~~ or has failed to comply with a
4 subpoena, order to appear, order to show cause, or similar
5 order, the department shall suspend the driver's license of
6 the person named in the notice and the registration of all
7 motor vehicles owned by that person.

8 (2) The department must reinstate the driving
9 privilege and allow registration of a motor vehicle when the
10 Title IV-D agency in IV-D cases or the depository or the clerk
11 of the court in non-IV-D cases provides to the department an
12 affidavit stating that:

13 (a) The person has paid the delinquency;

14 (b) The person has reached a written agreement for
15 payment with the Title IV-D agency or the obligee in non-IV-D
16 cases; ~~or~~

17 (c) A court has entered an order granting relief to
18 the obligor ordering the reinstatement of the license and
19 motor vehicle registration; or

20 (d) The person has complied with the subpoena, order
21 to appear, order to show cause, or similar order.

22 Section 20. Effective July 1, 2001, subsection (4) of
23 section 322.142, Florida Statutes, is amended to read:

24 322.142 Color photographic or digital imaged
25 licenses.--

26 (4) The department may maintain a film negative or
27 print file. The department shall maintain a record of the
28 digital image and signature of the licensees, together with
29 other data required by the department for identification and
30 retrieval. Reproductions from the file or digital record shall
31 be made and issued only for departmental administrative

1 purposes, for the issuance of duplicate licenses, ~~or~~ in
2 response to law enforcement agency requests, or to the
3 Department of Revenue pursuant to an interagency agreement to
4 facilitate service of process in Title IV-D cases, and are
5 exempt from the provisions of s. 119.07(1).

6 Section 21. Subsection (1) of section 328.42, Florida
7 Statutes, is amended to read:

8 328.42 Suspension or denial of a vessel registration
9 due to child support delinquency; dishonored checks.--

10 (1) The department must allow applicants for new or
11 renewal registrations to be screened by the Department of
12 Revenue, as the Title IV-D child support agency under s.
13 409.2598 to assure compliance with an obligation for support
14 as defined in s. 409.2554, or by a non-IV-D obligee to assure
15 compliance with a child support obligation. The purpose of
16 this section is to promote the public policy of this state as
17 established in s. 409.2551. The department must, when
18 directed by the court, deny or suspend the vessel registration
19 of any applicant found to have a delinquent child support
20 obligation. The department must issue or reinstate a
21 registration when notified by the Title IV-D agency or the
22 court that the applicant has complied with the terms of the
23 court order. The department may not be held liable for any
24 registration denial or suspension resulting from the discharge
25 of its duties under this section.

26 Section 22. Subsections (7) and (10) of section
27 409.2554, Florida Statutes, are amended, and subsections (13)
28 and (14) are added to that section, to read:

29 409.2554 Definitions; ss. 409.2551-409.2598.--As used
30 in ss. 409.2551-409.2598, the term:

31

1 (7) "Public assistance" means ~~food stamps,~~ money
2 assistance paid on the basis of Title IV-E and Title XIX of
3 the Social Security Act, ~~or temporary cash assistance,~~ or food
4 stamps received on behalf of a child under 18 years of age who
5 has an absent parent.

6 (10) "Support," unless otherwise specified, means:

7 (a) Child support, and, when the child support
8 obligation is being enforced by the Department of Revenue,
9 spousal support or alimony for the spouse or former spouse of
10 the obligor with whom the child is living. ~~Support for a~~
11 ~~child, or child and spouse, or former spouse who is living~~
12 ~~with the child or children, but only if a support obligation~~
13 ~~has been established for that spouse and the child support~~
14 ~~obligation is being enforced under Title IV-D of the Social~~
15 ~~Security Act; or~~

16 (b) Child support only in cases not being enforced by
17 the Department of Revenue ~~Support for a child who is placed~~
18 ~~under the custody of someone other than the custodial parent~~
19 ~~pursuant to s. 39.521, s. 39.522, s. 39.622, s. 39.623, or s.~~
20 ~~39.624.~~

21 (13) "Undistributable collection" means a support
22 payment received by the department which the department
23 determines cannot be distributed to the final intended
24 recipient.

25 (14) "Unidentifiable collection" means a payment
26 received by the department for which the noncustodial parent,
27 custodial parent, depository or circuit civil numbers, or
28 source of the payment cannot be identified.

29 Section 23. Subsection (3) of section 409.2557,
30 Florida Statutes, is amended to read:

31

1 409.2557 State agency for administering child support
2 enforcement program.--

3 (3) SPECIFIC RULEMAKING AUTHORITY.--The department has
4 the authority to adopt rules pursuant to ss. 120.536(1) and
5 120.54 to implement all laws administered by the department in
6 its capacity as the Title IV-D agency for this state
7 including, but not limited to, the following:

8 (a) Background screening of department employees and
9 applicants, including criminal records checks;

10 (b) Confidentiality and retention of department
11 records; access to records; record requests;

12 (c) Department trust funds;

13 (d) Federal funding procedures;

14 (e) Agreements with law enforcement and other state
15 agencies; National Crime Information Center (NCIC) access;
16 Parent Locator Service access;

17 (f) Written agreements entered into between the
18 department and ~~child~~ support obligors in establishment,
19 enforcement, and modification proceedings;

20 (g) Procurement of services by the department, pilot
21 programs, and demonstration projects;

22 (h) Management of cases by the department involving
23 any documentation or procedures required by federal or state
24 law, including but not limited to, cooperation; review and
25 adjustment; audits; interstate actions; diligent efforts for
26 service of process;

27 (i) Department procedures for orders for genetic
28 testing; subpoenas to establish, enforce, or modify orders;
29 increasing the amount of monthly obligations to secure
30 delinquent support; suspending or denying driver's and
31 professional licenses and certificates; fishing and hunting

1 license suspensions; suspending vehicle and vessel
2 registrations; screening applicants for new or renewal
3 licenses, registrations, or certificates; income deduction;
4 credit reporting and accessing; tax refund intercepts;
5 passport denials; liens; financial institution data matches;
6 expedited procedures; medical support; and all other
7 responsibilities of the department as required by state or
8 federal law;

9 (j) Collection and disbursement of ~~child~~ support and
10 alimony payments by the department as required by federal law;
11 collection of genetic testing costs and other costs awarded by
12 the court;

13 (k) Report information to and receive information from
14 other agencies and entities;

15 (l) Provide location services, including accessing
16 from and reporting to federal and state agencies;

17 (m) Privatizing location, establishment, enforcement,
18 modification, and other functions;

19 (n) State case registry;

20 (o) State disbursement unit; and

21 (p) All other responsibilities of the department as
22 required by state or federal law.

23 Section 24. Section 409.25575, Florida Statutes, is
24 amended to read:

25 409.25575 ~~Child~~ Support enforcement; privatization.--

26 (1) It is the intent of the Legislature to encourage
27 the Department of Revenue to contract with private entities
28 for the provision of ~~child~~ support enforcement services
29 whenever such contracting is cost-effective.

30 (2) The department shall contract for the delivery,
31 administration, or management of ~~child~~ support enforcement

1 activities and other related services or programs, when
2 appropriate. The department shall retain responsibility for
3 the quality of contracted services and programs and shall
4 ensure that services are delivered in accordance with
5 applicable federal and state statutes and regulations.

6 (3)(a) The department shall establish a quality
7 assurance program for the privatization of services. The
8 quality assurance program must include standards for each
9 specific component of these services. The department shall
10 establish minimum thresholds for each component. Each program
11 operated pursuant to contract must be evaluated annually by
12 the department or by an objective competent entity designated
13 by the department under the provisions of the quality
14 assurance program. The evaluation must be financed from cost
15 savings associated with the privatization of services. The
16 department shall submit an annual report regarding quality
17 performance, outcome measure attainment, and cost efficiency
18 to the President of the Senate, the Speaker of the House of
19 Representatives, the Minority leader of each house of the
20 Legislature, and the Governor no later than January 31 of each
21 year, beginning in 1999. The quality assurance program must be
22 financed through administrative savings generated by this act.

23 (b) The department shall establish and operate a
24 comprehensive system to measure and report annually the
25 outcomes and effectiveness of the services that have been
26 privatized. The department shall use these findings in making
27 recommendations to the Governor and the Legislature for future
28 program and funding priorities in the ~~child~~ support
29 enforcement system.

30 (4)(a) Any entity contracting to provide ~~child~~ support
31 enforcement services under this section must comply with all

1 statutory requirements and agency regulations in the provision
2 of contractual services.

3 (b) Any entity contracting to provide ~~child~~ support
4 enforcement services under this section must also participate
5 in and cooperate with any federal program that will assist in
6 the maximization of federal supports for these services, as
7 directed by the department.

8 Section 25. Effective October 1, 2001, section
9 409.2558, Florida Statutes, is amended to read:

10 409.2558 ~~Child~~ Support distribution and
11 disbursement.--

12 (1) DISTRIBUTION OF PAYMENTS.--The department shall
13 distribute and disburse ~~child~~ support payments collected in
14 Title IV-D cases in accordance with 42 U.S.C. s. 657 and
15 regulations adopted thereunder by the Secretary of the United
16 States Department of Health and Human Services.

17 (2) UNDISTRIBUTABLE COLLECTIONS.--

18 (a) The department shall establish by rule the method
19 for determining a collection or refund to a noncustodial
20 parent to be undistributable to the final intended recipient.

21 (b) Collections that are determined to be
22 undistributable shall be processed in the following order of
23 priority:

24 1. Apply the payment to any assigned arrears on the
25 custodial parent's case; then

26 2. Apply the payment to any administrative costs
27 ordered by the court pursuant to s. 409.2567 associated with
28 the custodial parent's case; then

29 3. When the noncustodial parent is subject to a valid
30 order to support other children in another case with a
31 different custodial parent and the obligation is being

1 enforced by the department, the department shall, with the
2 noncustodial parent's permission, apply the payment towards
3 his or her other support obligation; then

4 4. Return the payment to the noncustodial parent; then

5 5. If the noncustodial parent cannot be located after
6 diligent efforts by the department, the federal share of the
7 payment shall be credited to the Federal Government and the
8 state share shall be transferred to the General Revenue Fund.

9 (c) Refunds to noncustodial parents that are
10 determined to be undistributable shall be processed in the
11 following manner:

12 1. The federal share of the refund shall be sent to
13 the Federal Government.

14 2. The state share shall be credited to the General
15 Revenue Fund.

16 (3) UNIDENTIFIABLE COLLECTIONS.--

17 (a) The department shall establish by rule the method
18 for determining a collection to be unidentifiable.

19 (b) Upon being determined to be unidentifiable, the
20 federal share of unidentifiable collections shall be credited
21 to the Federal Government and the state share shall be
22 transferred to the General Revenue Fund.

23 (4) RECLAIMING COLLECTIONS DECLARED TO BE
24 UNDISTRIBUTABLE OR UNIDENTIFIABLE.--At such time as an
25 undistributable or unidentifiable collection that has been
26 transferred to the Federal Government and to the General
27 Revenue Fund in the relevant method above becomes
28 distributable or identified, meaning either the noncustodial
29 parent or the custodial parent is identified or located, the
30 department shall retrieve the transferred moneys in the
31 following manner:

1 (a) Offset the next credit to the Federal Government
2 in an amount equal to the share of the collection which had
3 been transferred; and

4 (b) Offset the next transfer to the General Revenue
5 Fund in an amount equal to the state share of the collection
6 which had been transferred to the General Revenue Fund.

7
8 The collection shall then be processed, as appropriate.

9 (5)(2) RECONSIDERATION OF DISTRIBUTION AND

10 DISBURSEMENT.--A recipient of collection and distribution
11 services of the department's Child Support Enforcement Program
12 may request a reconsideration by the department concerning the
13 amount collected, the date collected, the amount distributed,
14 the distribution timing, or the calculation of arrears. The
15 department shall establish by rule a reconsideration procedure
16 for informal review of agency action in distributing and
17 disbursing ~~child~~ support payments collected by the department.
18 The procedures must provide the recipients of services with an
19 opportunity to review the department's actions before a
20 hearing is requested under chapter 120.

21 (6)(3) OVERPAYMENT.--If the department's records
22 indicate that a ~~child~~ support obligee has received an
23 overpayment of ~~child~~ support from the department due to either
24 mistake or fraud, the department may take action to recover
25 the overpayment. The department may establish by rule a
26 procedure to recover overpayments.

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

29 Section 26. Subsections (1), (2), (3), and (5) of
30 section 409.2561, Florida Statutes, are amended to read:

31

1 409.2561 ~~Child~~ Support obligations when public
2 assistance is paid; assignment of rights; subrogation; medical
3 and health insurance information.--

4 (1) Any payment of temporary cash ~~public~~ assistance
5 ~~money~~ made to, or for the benefit of, any dependent child
6 creates an obligation in an amount determined pursuant to the
7 child support guidelines. In accordance with 42 U.S.C. s. 657,
8 the state shall retain amounts collected only to the extent
9 necessary to reimburse amounts paid to the family as
10 assistance by the state. Such amounts collected shall be
11 deposited into the General Revenue Fund up to the level
12 specified in s. 61.1812. If there has been a prior court order
13 or final judgment of dissolution of marriage establishing an
14 obligation of support, the obligation is limited to the amount
15 provided by such court order or decree. The extraordinary
16 remedy of contempt is applicable in child support enforcement
17 cases because of the public necessity for ensuring that
18 dependent children be maintained from the resources of their
19 parents, thereby relieving, at least in part, the burden
20 presently borne by the general citizenry through the public
21 assistance program. If there is no prior court order
22 establishing an obligation of support, the court shall
23 establish the liability of the obligor, if any, by applying
24 the child support guidelines. The department may apply for
25 modification of a court order on the same grounds as either
26 party to the cause and shall have the right to settle and
27 compromise actions brought pursuant to law.

28 (2)(a) By accepting temporary cash assistance or Title
29 IV-E ~~public~~ assistance, the recipient assigns to the
30 department any right, title, and interest to support the
31 recipient may be owed:

1 1. From any other person up to the amount of public
2 assistance paid where no court order has been entered, or
3 where there is a court order it is limited to the amount
4 provided by such court order;

5 2. On the recipient's own behalf or in behalf of
6 another family member for whom the recipient is receiving
7 assistance; and

8 3. At the time that the assignment becomes effective
9 by operation of law.

10 (b) The recipient of public assistance appoints the
11 department as her or his attorney in fact to act in her or his
12 name, place, and stead to perform specific acts relating to
13 the establishment of paternity or the establishment,
14 modification, or enforcement of support obligations,
15 including, but not limited to:

16 1. Endorsing any draft, check, money order, or other
17 negotiable instrument representing support payments which are
18 received on behalf of the dependent child as reimbursement for
19 the public assistance moneys previously or currently paid;

20 2. Compromising claims;

21 3. Pursuing the establishment or modification of
22 support obligations;

23 ~~4.3.~~ Pursuing civil and criminal enforcement of
24 support obligations; and

25 ~~5.4.~~ Executing verified complaints for the purpose of
26 instituting an action for the determination of paternity of a
27 child born, or to be born, out of wedlock.

28 (3) The department shall be subrogated to the right of
29 the dependent child or person having the care, custody, and
30 control of the child to prosecute or maintain any support
31 action or action to determine paternity or execute any legal,

1 equitable, or administrative remedy existing under the laws of
2 the state to obtain reimbursement of temporary cash assistance
3 or Title IV-E ~~public~~ assistance paid, being paid, or to be
4 paid.

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

7 (a) The IV-D agency shall obtain basic medical support
8 information for Medicaid recipients and applicants for
9 Medicaid and provide this information to the state Medicaid
10 agency for third-party liability purposes.

11 (b) When the obligor receives health insurance
12 coverage for the dependent child, the IV-D agency shall
13 provide health insurance policy information, including any
14 information available about the health insurance policy which
15 would permit a claim to be filed or, in the case of a health
16 maintenance or preferred provider organization, service to be
17 provided, to the state Medicaid agency.

18 (c) The state Medicaid agency, upon receipt of the
19 health coverage information from the IV-D agency, shall notify
20 the obligor's insuring entity that the Medicaid agency must be
21 notified within 30 days when such coverage is discontinued.

22 (d) Entities providing health insurance as defined in
23 s. 624.603 and health maintenance organizations and prepaid
24 health clinics as defined in chapter 641 shall provide such
25 records and information as is necessary to accomplish the
26 purpose of this subsection, unless such requirement results in
27 an unreasonable burden.

28 (e) Upon the state Medicaid agency receiving notice
29 from the obligor's insuring entity that the coverage is
30 discontinued due to cancellation or other means, the Medicaid
31 agency shall notify the IV-D agency of such discontinuance and

1 the effective date. When appropriate, the IV-D agency shall
2 then take action to bring the obligor before the court for
3 enforcement.

4 Section 27. Subsection (6), paragraph (a) of
5 subsection (8), and subsections (10), (11), and (12) of
6 section 409.2564, Florida Statutes, are amended to read:

7 409.2564 Actions for support.--

8 (6) The department and its officers, employees, and
9 agents and all persons and agencies acting pursuant to
10 contract with the department are immune from liability in tort
11 for actions taken to establish, enforce, or modify child
12 support obligations if such actions are taken in good faith,
13 with apparent legal authority, without malicious purpose, and
14 in a manner not exhibiting wanton and willful disregard of
15 rights or property of another.

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

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

1 reasonably calculated to lead to the discovery of material
2 evidence.

3 (b) Subpoenas issued by this or any other state's
4 Title IV-D agency may be challenged in accordance with s.
5 120.569(2)(k)1. While a subpoena is being challenged, the
6 Title IV-D agency may not impose a fine as provided for under
7 paragraph (c) until the challenge is complete and the subpoena
8 has been found to be valid.

9 (c) The Title IV-D agency is authorized to impose a
10 fine for failure to comply with a subpoena. Failure to comply
11 with the subpoena, or to challenge the subpoena as provided in
12 paragraph (b), within 15 days after service of the subpoena
13 may result in the agency taking the following actions:

14 1. Imposition of an administrative fine of not more
15 than \$500.

16 2. Enforcement of the subpoena as provided in s.
17 120.569(2)(k)2. When the subpoena is enforced pursuant to s.
18 120.569(2)(k)2., the court may award costs and fees to the
19 prevailing party in accordance with that section.

20 (d) The Title IV-D agency may seek to collect
21 administrative fines imposed pursuant to paragraph (c) by
22 filing a petition in the circuit court of the judicial circuit
23 in which the person against whom the fine was imposed resides.
24 All fines collected pursuant to this subsection shall be
25 deposited into the Child Support Enforcement Application and
26 Program Revenue Trust Fund.

27 (10)(a) For the purpose of securing delinquent
28 support, the Title IV-D agency may increase the amount of the
29 monthly ~~child~~ support obligation to include amounts for
30 delinquencies, subject to such conditions or limitations as
31 set forth in paragraph (b).

1 (b) In ~~child~~ support obligations not subject to income
2 deduction, the Title IV-D agency shall notify the obligor of
3 his or her delinquency and of the department's intent to
4 require an additional 20 percent of the monthly obligation
5 amount to allow for collection of the delinquency unless,
6 within 20 days, the obligor:

7 1. Pays the delinquency in full; or

8 2. Files a petition with the circuit court to contest
9 the delinquency action.

10 (11) For the purposes of denial, revocation, or
11 limitation of an individual's United States passport,
12 consistent with 42 U.S.C. s. 652(k)(1), the Title IV-D agency
13 shall have procedures to certify to the Secretary of the
14 United States Department of Health and Human Services, in the
15 format and accompanied by such supporting documentation as the
16 secretary may require, a determination that an individual owes
17 arrearages of ~~child~~ support in an amount exceeding \$5,000.
18 Said procedures shall provide that the individual be given
19 notice of the determination and of the consequence thereof and
20 that the individual shall be given an opportunity to contest
21 the accuracy of the determination.

22 (12) The Title IV-D agency shall review child support
23 orders in IV-D cases at least every 3 years upon request by
24 either party, or the agency in cases where there is an
25 assignment of support to the state under s. 414.095(8), and
26 may seek adjustment of the order if appropriate under the
27 guidelines established in s. 61.30. Not less than once every 3
28 years the IV-D agency shall provide notice to the parties
29 subject to the order informing them of their right to request
30 a review and, if appropriate, an adjustment of the child
31 support order. Said notice requirement may be met by including

1 appropriate language in the initial support order or any
2 subsequent orders.

3 Section 28. Effective July 1, 2001, section 409.25645,
4 Florida Statutes, is amended to read:

5 409.25645 Administrative orders for genetic
6 testing.--The department is authorized to use administrative
7 orders to require genetic testing in Title IV-D cases. In
8 such cases the department or an authorized agent may issue an
9 administrative order to a putative father who has not
10 voluntarily submitted to genetic testing, directing him to
11 appear for a genetic test to determine the paternity of a
12 child, provided that the department shall have no authority to
13 issue such an order in the absence of an affidavit or written
14 declaration as provided in s. 92.525(2)of the child's mother
15 stating that the putative father is or may be a parent of the
16 child. The administrative order shall state:

17 (1) The type of genetic test that will be used.

18 (2) The date, time, and place to appear for the
19 genetic test.

20 (3) That upon failure to appear for the genetic test,
21 or refusal to be tested, the department shall file a petition
22 in circuit court to establish paternity and child support.

23

24 A copy of the affidavit or written declaration which is the
25 basis for the issuance of the administrative order shall be
26 attached to the order. The administrative order is exempt
27 from the hearing provisions in chapter 120, because the person
28 to whom it is directed shall have an opportunity to object in
29 circuit court in the event the department pursues the matter
30 by filing a petition in circuit court. The department may
31 serve the administrative order to appear for a genetic test by

1 regular mail. In any case in which more than one putative
2 father has been identified, the department may proceed under
3 this section with respect to all putative fathers. If the
4 department receives a request from another state Title IV-D
5 agency to assist in the establishment of paternity, the
6 department may cause an administrative order to appear for a
7 genetic test to be served on a putative father who resides in
8 Florida.

9 Section 29. Section 409.2565, Florida Statutes, is
10 amended to read:

11 409.2565 Publication of delinquent obligors.--For
12 support orders that are being enforced by the department, the
13 department may compile and make available for publication a
14 listing of cases in which payment of the ~~child~~ support
15 obligation is overdue. Each case on the list may be
16 identified only by the name of the support obligor, the
17 support obligor's court order docket or case number, the
18 county in which the obligor's support order is filed, the
19 arrearage amount, and a photograph. The department need not
20 give prior notice to the obligor of the publication and
21 listing of cases.

22 Section 30. Subsection (1) and paragraph (a) of
23 subsection (7) of section 409.25656, Florida Statutes, are
24 amended to read:

25 409.25656 Garnishment.--

26 (1) If a person has a ~~child~~ support obligation which
27 is subject to enforcement by the department as the state Title
28 IV-D program, the executive director or his or her designee
29 may give notice of past due and/or overdue support by
30 registered mail to all persons who have in their possession or
31 under their control any credits or personal property,

1 including wages, belonging to the ~~child~~ support obligor, or
2 owing any debts to the ~~child~~ support obligor at the time of
3 receipt by them of such notice. Thereafter, any person who has
4 been notified may not transfer or make any other disposition,
5 up to the amount provided for in the notice, of such credits,
6 other personal property, or debts until the executive director
7 or his or her designee consents to a transfer or disposition,
8 or until 60 days after the receipt of such notice. If the
9 obligor contests the intended levy in the circuit court or
10 under chapter 120, the notice under this section shall remain
11 in effect until final disposition of that circuit court or
12 chapter 120 action. Any financial institution receiving such
13 notice will maintain a right of setoff for any transaction
14 involving a debit card occurring on or before the date of
15 receipt of such notice.

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

22 Section 31. Effective July 1, 2001, subsection (8) of
23 section 409.25656, Florida Statutes, is amended to read:

24 409.25656 Garnishment.--

25 (8) An obligor may contest the notice of intent to
26 levy provided for under subsection (7) by filing a petition ~~an~~
27 ~~action~~ in the existing circuit court case. Alternatively, the
28 obligor may file a petition under the applicable provisions of
29 chapter 120. After an action has been initiated under chapter
30 120 to contest the notice of intent to levy, an action
31 relating to the same levy may not be filed by the obligor in

1 circuit court, and judicial review is exclusively limited to
2 appellate review pursuant to s. 120.68. Also, after an action
3 has been initiated in circuit court, an action may not be
4 brought under chapter 120.

5 Section 32. Subsection (5) of section 409.25657,
6 Florida Statutes, is amended to read:

7 409.25657 Requirements for financial institutions.--

8 (5) Any financial records obtained pursuant to this
9 section may be disclosed only for the purpose of, and to the
10 extent necessary in, establishing, modifying, or enforcing a
11 ~~child~~ support obligation of such individual.

12 Section 33. Section 409.2567, Florida Statutes, is
13 amended to read:

14 409.2567 Services to individuals not otherwise
15 eligible.--All ~~child~~ support services provided by the
16 department shall be made available on behalf of all dependent
17 children. Services shall be provided upon acceptance of public
18 assistance or upon proper application filed with the
19 department. The department shall adopt rules to provide for
20 the payment of a \$25 application fee from each applicant who
21 is not a public assistance recipient. The application fee
22 shall be deposited in the Child Support Enforcement
23 Application and Program Revenue Trust Fund within the
24 Department of Revenue to be used for the Child Support
25 Enforcement Program. The obligor is responsible for all
26 administrative costs, as defined in s. 409.2554. The court
27 shall order payment of administrative costs without requiring
28 the department to have a member of the bar testify or submit
29 an affidavit as to the reasonableness of the costs. An
30 attorney-client relationship exists only between the
31 department and the legal services providers in Title IV-D

1 cases. The attorney shall advise the obligee in Title IV-D
2 cases that the attorney represents the agency and not the
3 obligee. In Title IV-D cases, any costs, including filing
4 fees, recording fees, mediation costs, service of process
5 fees, and other expenses incurred by the clerk of the circuit
6 court, shall be assessed only against the nonprevailing
7 obligor after the court makes a determination of the
8 nonprevailing obligor's ability to pay such costs and fees. In
9 any case where the court does not award all costs, the court
10 shall state in the record its reasons for not awarding the
11 costs. The Department of Revenue shall not be considered a
12 party for purposes of this section; however, fees may be
13 assessed against the department pursuant to s. 57.105(1). The
14 department shall submit a monthly report to the Governor and
15 the chairs of the Health and Human Services Fiscal Committee
16 of the House of Representatives and the Ways and Means
17 Committee of the Senate specifying the funds identified for
18 collection from the noncustodial parents of children receiving
19 temporary assistance and the amounts actually collected.

20 Section 34. Paragraph (i) of subsection (1) and
21 subsections (3) and (4) of section 409.2572, Florida Statutes,
22 are amended to read:

23 409.2572 Cooperation.--

24 (1) An applicant for, or recipient of, public
25 assistance for a dependent child shall cooperate with the
26 department or a program attorney in:

27 (i) Paying to the department any ~~child~~ support
28 received from the obligor after the assignment is effective.

29 (3) The Title IV-D staff of the department shall be
30 responsible for determining and reporting to the ~~Title IV-A~~
31 staff of the Department of Children and Family Services acts

1 of noncooperation by applicants or recipients of public ~~cash~~
2 ~~or medical~~ assistance. Any person who applies for or is
3 receiving public assistance for, or who has the care, custody,
4 or control of, a dependent child and who without good cause
5 fails or refuses to cooperate with the department, a program
6 attorney, or a prosecuting attorney in the course of
7 administering this chapter shall be sanctioned by the
8 Department of Children and Family Services pursuant to chapter
9 414 and is ineligible to receive public assistance until such
10 time as the department determines cooperation has been
11 satisfactory.

12 (4) Except as provided for in s. 414.32, the Title
13 IV-D agency shall determine whether an applicant for or
14 recipient of public assistance for a dependent child has good
15 cause for failing to cooperate with the Title IV-D agency as
16 required by this section.

17 Section 35. Subsection (1) of section 409.2578,
18 Florida Statutes, is amended to read:

19 409.2578 Access to employment information;
20 administrative fine.--

21 (1) For the purpose of establishing paternity, or
22 establishing a child support obligation, ~~or~~ enforcing a ~~child~~
23 support obligation, all persons in this state, including
24 for-profit, not-for-profit, and governmental employers or
25 contractors, shall, upon written request from the IV-D agency
26 for information concerning an individual employee of such
27 person, provide to the IV-D agency of this state or its
28 designee or to the Title IV-D agency of any other state or its
29 designee information on the employment, compensation, and
30 benefits of any employee who has a liability to pay ~~child~~
31 support and is delinquent or who has a potential liability.

1 The IV-D agency may also make such a request for the purpose
2 of modifying a child support obligation after an unsuccessful
3 attempt to obtain the information from either party. The
4 information requested shall be provided within 30 days of
5 receipt of the written request. The Title IV-D agency of this
6 state is authorized to impose a fine for failure to respond to
7 its request.

8 Section 36. Subsections (1) and (2) of section
9 409.2579, Florida Statutes, are amended to read:

10 409.2579 Safeguarding Title IV-D case file
11 information.--

12 (1) Information concerning applicants for or
13 recipients of Title IV-D child support services is
14 confidential and exempt from the provisions of s. 119.07(1).
15 The use or disclosure of such information by the IV-D program
16 is limited to purposes directly connected with:

17 (a) The administration of the plan or program approved
18 under part A, part B, part D, part E, or part F of Title IV;
19 under Title II, Title X, Title XIV, Title XVI, Title XIX, or
20 Title XX; or under the supplemental security income program
21 established under Title XVI of the Social Security Act;

22 (b) Any investigation, prosecution, or criminal or
23 civil proceeding connected with the administration of any such
24 plan or program;

25 (c) The administration of any other federal or
26 federally assisted program which provides service or
27 assistance, in cash or in kind, directly to individuals on the
28 basis of need;

29 (d) Reporting to an appropriate agency or official,
30 information on known or suspected instances of physical or
31 mental injury, child abuse, sexual abuse or exploitation, or

1 negligent treatment or maltreatment of a child who is the
2 subject of a ~~child~~ support enforcement activity under
3 circumstances which indicate that the child's health or
4 welfare is threatened thereby; and

5 (e) Mandatory disclosure of identifying and location
6 information as provided in s. 61.13(9) by the IV-D program
7 when providing Title IV-D services.

8 (2) The IV-D program may not disclose to any
9 legislative body, whether federal, state, or local, or any
10 committee thereof, any information that identifies by name or
11 address an applicant or recipient of ~~child~~ support services.

12 Section 37. Section 409.2591, Florida Statutes, is
13 repealed.

14 Section 38. Subsection (2) of section 409.2594,
15 Florida Statutes, is amended to read:

16 409.2594 Record requirements.--The department shall
17 keep the records necessary to evaluate the effectiveness of
18 the program. At a minimum, the records shall include:

19 (2) The amount of money generated through the
20 collection of ~~child~~ support of dependent children.

21 Section 39. Subsections (1), (2), and (3) of section
22 409.2598, Florida Statutes, are amended to read:

23 409.2598 Suspension or denial of new or renewal
24 licenses; registrations; certifications.--

25 (1) The Title IV-D agency may petition the court that
26 entered the support order or the court that is enforcing the
27 support order to deny or suspend the license, registration, or
28 certificate issued under chapter 231, chapter 370, chapter
29 372, chapter 409, chapter 456, chapter 559, s. 328.42, or s.
30 597.010 of any obligor with a delinquent ~~child~~ support
31 obligation or who fails, after receiving appropriate notice,

1 to comply with subpoenas, orders to appear, orders to show
2 cause, or similar orders relating to paternity or ~~child~~
3 support proceedings. However, a petition may not be filed
4 until the Title IV-D agency has exhausted all other available
5 remedies. The purpose of this section is to promote the public
6 policy of the state as established in s. 409.2551.

7 (2) The Title IV-D agency is authorized to screen all
8 applicants for new or renewal licenses, registrations, or
9 certificates and current licenses, registrations, or
10 certificates and current licensees, registration holders, and
11 certificateholders of all licenses, registrations, and
12 certificates issued under chapter 231, chapter 370, chapter
13 372, chapter 409, chapter 456, or chapter 559 or s. 328.42 to
14 ensure compliance with any ~~child~~ support obligation and any
15 subpoenas, orders to appear, orders to show cause, or similar
16 orders relating to paternity or ~~child~~ support proceedings. If
17 the Title IV-D agency determines that an applicant, licensee,
18 registration holder, or certificateholder is an obligor who is
19 delinquent on a support obligation or who is not in compliance
20 with a subpoena, order to appear, order to show cause, or
21 similar order relating to paternity or ~~child~~ support
22 proceedings, the Title IV-D agency shall certify the
23 delinquency pursuant to s. 61.14.

24 (3) The Title IV-D agency shall give notice to any
25 obligor who is an applicant for a new or renewal license or
26 certificate or the holder of a current license or certificate
27 when a delinquency exists in the support obligation or when an
28 obligor has failed to comply with a subpoena, order to appear,
29 order to show cause, or similar order relating to paternity or
30 ~~child~~ support proceeding. The notice shall specify that the
31 obligor has 30 days from the date on which service of the

1 notice is complete to pay the delinquency or to reach an
2 agreement to pay the delinquency with the Title IV-D agency or
3 comply with the subpoena, order to appear, order to show
4 cause, or similar order. The notice shall specify that, if
5 payment is not made or an agreement cannot be reached, or if
6 the subpoena, order to appear, order to show cause, or similar
7 order is not complied with, the application may be denied or
8 the license or certification may be suspended pursuant to a
9 court order.

10 Section 40. Paragraph (a) of subsection (5) of section
11 414.065, Florida Statutes, is amended to read:

12 414.065 Noncompliance with work requirements.--

13 (5) WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL
14 PARENTS.--

15 (a) The court may order a noncustodial parent who is
16 delinquent in ~~child~~ support payments, as defined in s. 61.046,
17 to participate in work activities under this chapter so that
18 the parent may obtain employment and fulfill the obligation to
19 provide support payments. A noncustodial parent who fails to
20 satisfactorily engage in court-ordered work activities may be
21 held in contempt.

22
23 If a noncustodial parent fails to comply with the case plan,
24 the noncustodial parent may be removed from program
25 participation.

26 Section 41. Subsection (8) of section 414.095, Florida
27 Statutes, is amended to read:

28 414.095 Determining eligibility for temporary cash
29 assistance.--

30 (8) ASSIGNMENT OF RIGHTS TO SUPPORT.--As a condition
31 of receiving temporary cash assistance, the family must assign

1 to the department any rights a member of a family may have to
2 support from any other person. This applies to any family
3 member; however, the assigned amounts must not exceed the
4 total amount of temporary cash assistance provided to the
5 family. The assignment of ~~child~~ support does not apply if the
6 family leaves the program.

7 Section 42. Subsection (1) of section 414.32, Florida
8 Statutes, is amended to read:

9 414.32 Prohibitions and restrictions with respect to
10 food stamps.--

11 (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT
12 AGENCY.--

13 (a) A parent or caretaker relative who receives
14 temporary cash assistance or food stamps on behalf of a child
15 under 18 years of age who has an absent parent is ineligible
16 for food stamps unless the parent or caretaker relative
17 cooperates with the state agency that administers the child
18 support enforcement program in establishing the paternity of
19 the child, if the child is born out of wedlock, and in
20 obtaining support for the child or for the parent or caretaker
21 relative and the child. This paragraph does not apply if the
22 state agency that administers the food stamp ~~child support~~
23 ~~enforcement~~ program determines that the parent or caretaker
24 relative has good cause for failing to cooperate.

25 (b) A putative or identified noncustodial parent of a
26 child under 18 years of age is ineligible for food stamps if
27 the parent fails to cooperate with the state agency that
28 administers the child support enforcement program in
29 establishing the paternity of the child, if the child is born
30 out of wedlock, or fails to provide support for the child.
31 This paragraph does not apply if the state agency that

1 administers the food stamp ~~child support enforcement~~ program
2 determines that the noncustodial parent has good cause for
3 refusing to cooperate in establishing the paternity of the
4 child.

5 Section 43. Effective July 1, 2001, paragraph (d) is
6 added to subsection (11) of section 440.20, Florida Statutes,
7 to read:

8 440.20 Time for payment of compensation; penalties for
9 late payment.--

10 (11)

11 (d) When reviewing any settlement of lump-sum payment
12 pursuant to this subsection, judges of compensation claims
13 shall consider the interests of the worker and the worker's
14 family when approving the settlement, which must consider and
15 provide for appropriate recovery of past due support.

16 Section 44. Effective July 1, 2001, section 440.22,
17 Florida Statutes, is amended to read:

18 440.22 Assignment and exemption from claims of
19 creditors.--No assignment, release, or commutation of
20 compensation or benefits due or payable under this chapter
21 except as provided by this chapter shall be valid, and such
22 compensation and benefits shall be exempt from all claims of
23 creditors, and from levy, execution and attachments or other
24 remedy for recovery or collection of a debt, which exemption
25 may not be waived. However, the exemption of workers'
26 compensation claims from creditors does not extend to claims
27 based on an award of child support or spousal support.

28 Section 45. Paragraphs (b) and (c) of subsection (1)
29 and subsection (3) of section 443.051, Florida Statutes, are
30 amended to read:

31

1 443.051 Benefits not alienable; exception, child
2 support intercept.--

3 (1) DEFINITIONS.--As used in this section:

4 (b) "~~Child~~ Support obligations" includes only
5 obligations which are being enforced pursuant to a plan
6 described in s. 454 of the Social Security Act which has been
7 approved by the Secretary of Health and Human Services under
8 Part D of Title IV of the Social Security Act.

9 (c) "State or local child support enforcement agency"
10 means any agency of a state or political subdivision thereof
11 which enforces ~~child~~ support obligations.

12 (3) EXCEPTION, ~~CHILD~~ SUPPORT INTERCEPT.--

13 (a) The division shall require each individual filing
14 a new claim for unemployment compensation to disclose at the
15 time of filing such claim whether or not she or he owes ~~child~~
16 support obligations which are being enforced by a state or
17 local child support enforcement agency. If any applicant
18 discloses that she or he owes ~~child~~ support obligations and
19 she or he is determined to be eligible for unemployment
20 compensation benefits, the division shall notify the state or
21 local child support enforcement agency enforcing such
22 obligation.

23 (b) The division shall deduct and withhold from any
24 unemployment compensation otherwise payable to an individual
25 who owes ~~child~~ support obligations:

- 26 1. The amount specified by the individual to the
27 division to be deducted and withheld under this section;
28 2. The amount determined pursuant to an agreement
29 submitted to the division under s. 454(20)(B)(i) of the Social
30 Security Act by the state or local child support enforcement
31 agency; or

1 3. Any amount otherwise required to be deducted and
2 withheld from such unemployment compensation through legal
3 process as defined in s. 459 of the Social Security Act.

4 (c) The division shall pay any amount deducted and
5 withheld under paragraph (b) to the appropriate state or local
6 child support enforcement agency.

7 (d) Any amount deducted and withheld under this
8 subsection shall for all purposes be treated as if it were
9 paid to the individual as unemployment compensation and paid
10 by such individual to the state or local child support
11 enforcement agency for ~~child~~ support obligations.

12 (e) Each state or local child support enforcement
13 agency shall reimburse the state agency charged with the
14 administration of the Unemployment Compensation Law for the
15 administrative costs incurred by the division under this
16 subsection which are attributable to ~~child~~ support obligations
17 being enforced by the state or local child support enforcement
18 agency.

19 Section 46. Subsection (9) of section 455.203, Florida
20 Statutes, is amended to read:

21 455.203 Department; powers and duties.--The
22 department, for the boards under its jurisdiction, shall:

23 (9) Allow applicants for new or renewal licenses and
24 current licensees to be screened by the Title IV-D child
25 support agency pursuant to s. 409.2598 to assure compliance
26 with a support obligation. The purpose of this subsection is
27 to promote the public policy of this state as established in
28 s. 409.2551. The department shall, when directed by the court,
29 suspend or deny the license of any licensee found to have a
30 delinquent support obligation, as defined in s. 409.2554. The
31 department shall issue or reinstate the license without

1 additional charge to the licensee when notified by the court
2 that the licensee has complied with the terms of the court
3 order. The department shall not be held liable for any license
4 denial or suspension resulting from the discharge of its
5 duties under this subsection.

6 Section 47. Subsection (9) of section 456.004, Florida
7 Statutes, is amended to read:

8 456.004 Department; powers and duties.--The
9 department, for the professions under its jurisdiction, shall:

10 (9) Allow applicants for new or renewal licenses and
11 current licensees to be screened by the Title IV-D child
12 support agency pursuant to s. 409.2598 to assure compliance
13 with a support obligation, as defined in s. 409.2554. The
14 purpose of this subsection is to promote the public policy of
15 this state as established in s. 409.2551. The department
16 shall, when directed by the court, suspend or deny the license
17 of any licensee found to have a delinquent support obligation.
18 The department shall issue or reinstate the license without
19 additional charge to the licensee when notified by the court
20 that the licensee has complied with the terms of the court
21 order. The department shall not be held liable for any license
22 denial or suspension resulting from the discharge of its
23 duties under this subsection.

24 Section 48. Subsection (3) of section 559.79, Florida
25 Statutes, is amended to read:

26 559.79 Applications for license or renewal.--

27 (3) The department shall allow the Title IV-D child
28 support agency to screen all applicants for new or renewal
29 licenses and current licensees pursuant to s. 409.2598 to
30 assure compliance with a support obligation, as defined in s.
31 409.2554. The purpose of this subsection is to promote the

1 public policy of this state as established in s. 409.2551. The
2 department shall, when directed by the court, suspend or deny
3 the license of any licensee found to have a delinquent support
4 obligation. The department shall issue or reinstate the
5 license without additional charge to the licensee when
6 notified by the court that the licensee has complied with the
7 terms of the court order. The department shall not be liable
8 for any license denial or suspension resulting from the
9 discharge of its duties under this subsection.

10 Section 49. Effective July 1, 2001, subsection (2) of
11 section 742.12, Florida Statutes, is amended to read:

12 742.12 Scientific testing to determine paternity.--

13 (2) In any proceeding to establish paternity, the
14 court may, upon request of a party providing a sworn statement
15 or written declaration as provided by s. 92.525(2)alleging
16 paternity and setting forth facts establishing a reasonable
17 possibility of the requisite sexual contact between the
18 parties or providing a sworn statement or written declaration
19 denying paternity and setting forth facts establishing a
20 reasonable possibility of the nonexistence of sexual contact
21 between the parties, require the child, mother, and alleged
22 fathers to submit to scientific tests that are generally
23 acceptable within the scientific community to show a
24 probability of paternity. The court shall direct that the
25 tests be conducted by a qualified technical laboratory.

26 Section 50. Subsection (5) of section 943.053, Florida
27 Statutes, is amended to read:

28 943.053 Dissemination of criminal justice information;
29 fees.--

30 (5) Notwithstanding any other provision of law, the
31 department shall provide to the Florida Department of Revenue

1 Child Support Enforcement access to Florida criminal records
2 which are not exempt from disclosure under chapter 119, and to
3 such information as may be lawfully available from other
4 states via the National Law Enforcement Telecommunications
5 System, for the purpose of locating subjects who owe or
6 potentially owe ~~child~~ support, as defined in s. 409.2554, or
7 to whom such obligation is owed pursuant to Title IV-D of the
8 Social Security Act. Such information may be provided to child
9 support enforcement authorities in other states for these
10 specific purposes.

11 Section 51. Except as otherwise expressly provided in
12 this act, this act shall take effect upon becoming a law.

13
14 *****

15 LEGISLATIVE SUMMARY

16 Revises various provisions of the Florida Statutes
17 relating to child support and the duties of the
18 Department of Revenue in enforcing support obligations to
19 delete reference to child support and include reference
to support on a consistent basis and to include reference
to the definition of support. (See bill for details.)
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