

By the Committee on Children and Families; and Senator Peaden

300-1842-01

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 61.181, 61.1824, 409.2557, 409.25575, 409.2561,
5 409.2564, 409.2565, 409.25657, 409.25658,
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 the former
15 spouse of an obligor if child support is being
16 enforced by the Department of Revenue among a
17 list of items that must be paid prior to the
18 award of certain prizes; amending s. 61.046,
19 F.S.; redefining the term "support order";
20 defining the term "support"; amending s.
21 61.1301, F.S.; prescribing the time within
22 which an order of income deduction may be
23 entered after an order establishing or
24 modifying support; providing for the court to
25 request that an income-deduction order reflect
26 the payment cycle of the payor; amending s.
27 61.13016, F.S.; requiring that any costs and
28 fees associated with delinquency be paid to
29 prevent suspension of a driver's license;
30 repealing s. 61.1307, F.S., relating to the
31 collection of motor vehicle impact fee refunds

1 for child support; amending s. 61.1354, F.S.;
2 revising provisions with respect to the sharing
3 of information between consumer reporting
4 agencies and the Title IV-D agency; amending s.
5 61.14, F.S.; including reference to the State
6 Disbursement Unit with respect to support
7 payments; amending s. 61.14, F.S.; providing
8 for retroactive increase or decrease in
9 support, maintenance, or alimony; providing
10 requirements for judges of compensation claims
11 with respect to settlement of a lump-sum
12 payment; specifying the delinquency amount for
13 which notice to the obligor is required;
14 amending s. 61.1825, F.S.; revising provisions
15 with respect to the state case registry to
16 include additional provisions requiring the
17 placement of a family violence indicator in the
18 record; amending s. 61.30, F.S.; redefining the
19 term "gross income" with respect to child
20 support guidelines; authorizing the court to
21 adjust the minimum child support award based on
22 consideration of the particular shared parental
23 arrangement; specifying procedure for
24 adjustment of any award of child support when
25 the particular shared parental arrangement
26 provides that each child spend a substantial
27 amount of time with each parent; specifying
28 circumstances under which failure of a
29 noncustodial parent to exercise visitation may
30 trigger modification of the child support
31 award; providing for retroactive application of

1 such modified support award; prescribing
2 conditions under which income from secondary
3 employment may be disregarded in modifying an
4 existing award; amending s. 322.058, F.S.;
5 including additional provisions requiring the
6 suspension of a drivers' license for failure to
7 comply with a subpoena, order to appear, order
8 to show cause, or similar order with respect to
9 a delinquent support obligation; amending s.
10 322.142, F.S.; including an additional reason
11 that reproductions of records with respect to
12 drivers' licenses may be sent from the
13 Department of Highway Safety and Motor
14 Vehicles; amending s. 328.42, F.S.; authorizing
15 the Department of Highway Safety and Motor
16 Vehicles to allow the Department of Revenue to
17 screen applicants for new or renewal vessel
18 registrations to assure compliance with an
19 obligation for support; amending s. 409.2554,
20 F.S.; redefining the term "public assistance"
21 and "support"; defining the terms
22 "undistributable collection" and
23 "unidentifiable collection"; amending s.
24 409.2558, F.S.; revising provisions with
25 respect to support distribution and
26 disbursement to include reference to
27 undistributable collections and unidentifiable
28 collections; providing rulemaking authority;
29 providing for review prior to the formal
30 rule-development process; providing for a
31 report to the Legislature; amending s.

1 409.2561, F.S.; deleting reference to public
2 assistance and including reference to temporary
3 cash or Title IV-E assistance; creating s.
4 409.2563, F.S.; creating a pilot program for
5 the administrative establishment of
6 child-support obligations; providing
7 definitions; providing legislative intent with
8 respect to an alternative procedure for
9 establishing child support obligations in
10 certain cases; authorizing the Department of
11 Children and Family Services to establish an
12 administrative support order; providing
13 procedures; providing notice requirements;
14 providing for a hearing conducted by the
15 Division of Administrative Hearings; providing
16 that a final order by an administrative law
17 judge constitutes final agency action;
18 providing for collection and enforcement of an
19 administrative support order; providing for
20 judicial review and a prospective change in the
21 support obligation; providing for disclosures
22 and a presumption of receipt of certain
23 notices, payments, and orders; authorizing the
24 department to adopt rules; providing
25 requirements for establishing the pilot
26 program; providing for expiration of the pilot
27 program; amending s. 409.2564, F.S.; revising
28 provisions with respect to actions for support;
29 amending s. 409.25645, F.S.; revising
30 provisions with respect to administrative
31 orders for genetic testing; amending s.

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

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (4) of section 24.115, Florida
26 Statutes, is amended to read:

27 24.115 Payment of prizes.--

28 (4) It is the responsibility of the appropriate state
29 agency and of the judicial branch to identify to the
30 department, in the form and format prescribed by the
31 department, persons owing an outstanding debt to any state

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

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

22 61.046 Definitions.--As used in this chapter:

23 (18) "Support order" means a judgment, decree, or
24 order, whether temporary or final, issued by a court of
25 competent jurisdiction for the support and maintenance of a
26 child which provides for monetary support, health care,
27 arrearages, or past support. When the child-support obligation
28 is being enforced by the Department of Revenue, the term
29 "support order" also means a judgment, decree, or order,
30 whether temporary or final, issued by a court of competent
31 jurisdiction for the support and maintenance of a child and

1 the spouse or former spouse of the obligor with whom the child
2 is living which provides for monetary support, health care,
3 arrearages, or past support.

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

5 (a) Child support and, when the child-support
6 obligation is being enforced by the Department of Revenue,
7 spousal support or alimony for the spouse or former spouse of
8 the obligor with whom the child is living.

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

11 Section 3. Paragraph (a) of subsection (2) of section
12 61.11, Florida Statutes, is amended to read:

13 61.11 Writs.--

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

26 Section 4. Paragraph (a) of subsection (9) of section
27 61.13, Florida Statutes, is amended to read:

28 61.13 Custody and support of children; visitation
29 rights; power of court in making orders.--

30 (9)(a) Beginning July 1, 1997, each party to any
31 paternity or ~~child~~ support proceeding is required to file with

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

10 Section 5. Paragraph (a) of subsection (1) and
11 paragraph (e) of subsection (2) of section 61.1301, Florida
12 Statutes, are amended to read:

13 61.1301 Income deduction orders.--

14 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER
15 ESTABLISHING, ENFORCING, OR MODIFYING AN OBLIGATION FOR
16 ALIMONY OR CHILD SUPPORT.--

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

1 copy of the income deduction order and the order establishing,
2 enforcing, or modifying the obligation.

3 1. In Title IV-D cases, the Title IV-D agency may
4 implement income deduction after receiving a copy of an order
5 from the court under this paragraph or a forwarding agency
6 under UIFSA, URESA, or RURESAs by issuing an income deduction
7 notice to the payor.

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

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

20 4. In non-Title IV-D cases, the income deduction
21 notice must be accompanied by a copy of the support order upon
22 which the notice is based. In Title IV-D cases, upon request
23 of a payor, the Title IV-D agency shall furnish the payor a
24 copy of the income deduction order.

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

1 (2) ENFORCEMENT OF INCOME DEDUCTION ORDERS.--
2 (e) Notice to payor and income deduction notice. The
3 notice to payor or, in Title IV-D cases, income deduction
4 notice shall contain only information necessary for the payor
5 to comply with the order providing for income deduction. The
6 notice shall:
7 1. Provide the obligor's social security number.
8 2. Require the payor to deduct from the obligor's
9 income the amount specified in the income deduction order, and
10 in the case of a delinquency the amount specified in the
11 notice of delinquency, and to pay that amount to the obligee
12 or to the depository, as appropriate. The amount actually
13 deducted plus all administrative charges shall not be in
14 excess of the amount allowed under s. 303(b) of the Consumer
15 Credit Protection Act, 15 U.S.C. s. 1673(b);
16 3. Instruct the payor to implement income deduction no
17 later than the first payment date which occurs more than 14
18 days after the date the income deduction notice was served on
19 the payor, and the payor shall conform the amount specified in
20 the income deduction order or, in Title IV-D cases, income
21 deduction notice to the obligor's pay cycle. The court should
22 request at the time of the order that the payment cycle
23 reflect that of the payor;
24 4. Instruct the payor to forward, within 2 days after
25 each date the obligor is entitled to payment from the payor,
26 to the obligee or to the depository the amount deducted from
27 the obligor's income, a statement as to whether the amount
28 totally or partially satisfies the periodic amount specified
29 in the income deduction order or, in Title IV-D cases, income
30 deduction notice, and the specific date each deduction is
31 made. If the IV-D agency is enforcing the order, the payor

1 shall make these notifications to the agency instead of the
2 obligee;

3 5. Specify that if a payor fails to deduct the proper
4 amount from the obligor's income, the payor is liable for the
5 amount the payor should have deducted, plus costs, interest,
6 and reasonable attorney's fees;

7 6. Provide that the payor may collect up to \$5 against
8 the obligor's income to reimburse the payor for administrative
9 costs for the first income deduction and up to \$2 for each
10 deduction thereafter;

11 7. State that the notice to payor or, in Title IV-D
12 cases, income deduction notice, and in the case of a
13 delinquency the notice of delinquency, are binding on the
14 payor until further notice by the obligee, IV-D agency, or the
15 court or until the payor no longer provides income to the
16 obligor;

17 8. Instruct the payor that, when he or she no longer
18 provides income to the obligor, he or she shall notify the
19 obligee and shall also provide the obligor's last known
20 address and the name and address of the obligor's new payor,
21 if known; and that, if the payor violates this provision, the
22 payor is subject to a civil penalty not to exceed \$250 for the
23 first violation or \$500 for any subsequent violation. If the
24 IV-D agency is enforcing the order, the payor shall make these
25 notifications to the agency instead of to the obligee.
26 Penalties shall be paid to the obligee or the IV-D agency,
27 whichever is enforcing the income deduction order;

28 9. State that the payor shall not discharge, refuse to
29 employ, or take disciplinary action against an obligor because
30 of the requirement for income deduction and shall state that a
31 violation of this provision subjects the payor to a civil

1 penalty not to exceed \$250 for the first violation or \$500 for
2 any subsequent violation. Penalties shall be paid to the
3 obligee or the IV-D agency, whichever is enforcing the income
4 deduction, if any alimony or child support obligation is
5 owing. If no alimony or child support obligation is owing, the
6 penalty shall be paid to the obligor;

7 10. State that an obligor may bring a civil action in
8 the courts of this state against a payor who refuses to
9 employ, discharges, or otherwise disciplines an obligor
10 because of income deduction. The obligor is entitled to
11 reinstatement and all wages and benefits lost, plus reasonable
12 attorney's fees and costs incurred;

13 11. Inform the payor that the requirement for income
14 deduction has priority over all other legal processes under
15 state law pertaining to the same income and that payment, as
16 required by the notice to payor or income deduction notice, is
17 a complete defense by the payor against any claims of the
18 obligor or his or her creditors as to the sum paid;

19 12. Inform the payor that, when the payor receives
20 notices to payor or income deduction notices requiring that
21 the income of two or more obligors be deducted and sent to the
22 same depository, the payor may combine the amounts that are to
23 be paid to the depository in a single payment as long as the
24 payments attributable to each obligor are clearly identified;
25 and

26 13. Inform the payor that if the payor receives more
27 than one notice to payor or income deduction notice against
28 the same obligor, the payor shall contact the court or, in
29 Title IV-D cases, the Title IV-D agency for further
30 instructions. Upon being so contacted, the court or, in Title
31 IV-D cases when all the cases upon which the notices are based

1 are Title IV-D cases, the Title IV-D agency shall allocate
2 amounts available for income deduction as provided in
3 subsection (4).

4 Section 6. Subsection (1) of section 61.13015, Florida
5 Statutes, is amended to read:

6 61.13015 Petition for suspension or denial of
7 professional licenses and certificates.--

8 (1) An obligee may petition the court which entered
9 the support order or the court which is enforcing the support
10 order for an order to suspend or deny the license or
11 certificate issued pursuant to chapters 231, 409, 455, 456,
12 and 559 of any obligor with a delinquent ~~child~~ support
13 obligation. However, no petition may be filed until the
14 obligee has exhausted all other available remedies. The
15 purpose of this section is to promote the public policy of s.
16 409.2551.

17 Section 7. Subsection (1) of section 61.13016, Florida
18 Statutes, is amended to read:

19 61.13016 Suspension of driver's licenses and motor
20 vehicle registrations.--

21 (1) The driver's license and motor vehicle
22 registration of a ~~child~~ support obligor who is delinquent in
23 payment or who has failed to comply with subpoenas or a
24 similar order to appear or show cause relating to paternity or
25 ~~child~~ support proceedings may be suspended. When an obligor is
26 15 days delinquent making a payment in ~~child~~ support or
27 failure to comply with a subpoena, order to appear, order to
28 show cause, or similar order in IV-D cases, the Title IV-D
29 agency may provide notice to the obligor of the delinquency or
30 failure to comply with a subpoena, order to appear, order to
31 show cause, or similar order and the intent to suspend by

1 regular United States mail that is posted to the obligor's
2 last address of record with the Department of Highway Safety
3 and Motor Vehicles. When an obligor is 15 days delinquent in
4 making a payment in ~~child~~ support in non-IV-D cases, and upon
5 the request of the obligee, the depository or the clerk of the
6 court must provide notice to the obligor of the delinquency
7 and the intent to suspend by regular United States mail that
8 is posted to the obligor's last address of record with the
9 Department of Highway Safety and Motor Vehicles. In either
10 case, the notice must state:

11 (a) The terms of the order creating the ~~child~~ support
12 obligation;

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

17 (c) That notification will be given to the Department
18 of Highway Safety and Motor Vehicles to suspend the obligor's
19 driver's license and motor vehicle registration unless, within
20 20 days after the date the notice is mailed, the obligor:

21 1.a. Pays the delinquency in full and any other costs
22 and fees accrued between the date of the notice and the date
23 the delinquency is paid;

24 b. Enters into a written agreement for payment with
25 the obligee in non-IV-D cases or with the Title IV-D agency in
26 IV-D cases; or in IV-D cases, complies with a subpoena or
27 order to appear, order to show cause, or a similar order; or

28 c. Files a petition with the circuit court to contest
29 the delinquency action; and

30 2. Pays any applicable delinquency fees.
31

1 If the obligor in non-IV-D cases enters into a written
2 agreement for payment before the expiration of the 20-day
3 period, the obligor must provide a copy of the signed written
4 agreement to the depository or the clerk of the court.

5 Section 8. Section 61.13017, Florida Statutes, is
6 repealed.

7 Section 9. Subsections (2) and (3) of section 61.1354,
8 Florida Statutes, are amended to read:

9 61.1354 Sharing of information between consumer
10 reporting agencies and the IV-D agency.--

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

28 (3) For purposes of determining an individual's income
29 and establishing an individual's capacity to make ~~child~~
30 support payments or for determining the appropriate amount of
31 child support ~~such~~ payment to be made by the individual,

1 consumer reporting agencies shall provide, upon request,
2 consumer reports to the head of the IV-D agency pursuant to s.
3 604 of the Fair Credit Reporting Act, provided that the head
4 of the IV-D agency, or its designee, certifies that:

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

10 (b) Paternity of the child of the individual whose
11 report is sought, if that individual is the father of the
12 child, has been established or acknowledged pursuant to the
13 laws of Florida;

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

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

20 Section 10. Paragraph (a) of subsection (1) and
21 paragraphs (a), (b), and (d) of subsection (6) of section
22 61.14, Florida Statutes, are amended to read:

23 61.14 Enforcement and modification of support,
24 maintenance, or alimony agreements or orders.--

25 (1)(a) When the parties enter into an agreement for
26 payments for, or instead of, support, maintenance, or alimony,
27 whether in connection with a proceeding for dissolution or
28 separate maintenance or with any voluntary property
29 settlement, or when a party is required by court order to make
30 any payments, and the circumstances or the financial ability
31 of either party changes or the child who is a beneficiary of

1 an agreement or court order as described herein reaches
2 majority after the execution of the agreement or the rendition
3 of the order, either party may apply to the circuit court of
4 the circuit in which the parties, or either of them, resided
5 at the date of the execution of the agreement or reside at the
6 date of the application, or in which the agreement was
7 executed or in which the order was rendered, for an order
8 decreasing or increasing the amount of support, maintenance,
9 or alimony, and the court has jurisdiction to make orders as
10 equity requires, with due regard to the changed circumstances
11 or the financial ability of the parties or the child,
12 decreasing, increasing, or confirming the amount of separate
13 support, maintenance, or alimony provided for in the agreement
14 or order. A finding that medical insurance is reasonably
15 available or the child support guidelines in s. 61.30 may
16 constitute changed circumstances. Except as otherwise provided
17 in s. 61.30(11)(c), the court may modify an order of support,
18 maintenance, or alimony by increasing or decreasing the
19 support, maintenance, or alimony retroactively to the date of
20 the filing of the action or supplemental action for
21 modification as equity requires, giving due regard to the
22 changed circumstances of the financial ability of the parties
23 or the child.

24 (6)(a)1. When support payments are made through the
25 local depository or through the State Disbursement Unit, any
26 payment or installment of support which becomes due and is
27 unpaid under any support order is delinquent; and this unpaid
28 payment or installment, and all other costs and fees herein
29 provided for, become, after notice to the obligor and the time
30 for response as set forth in this subsection, a final judgment
31 by operation of law, which has the full force, effect, and

1 attributes of a judgment entered by a court in this state for
2 which execution may issue. No deduction shall be made by the
3 local depository from any payment made for costs and fees
4 accrued in the judgment by operation of law process under
5 paragraph (b) until the total amount of support payments due
6 the obligee under the judgment has been paid.

7 2. A certified statement by the local depository
8 evidencing a delinquency in support payments constitute
9 evidence of the final judgment under this paragraph.

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

21 (b)1. When an obligor is 15 days delinquent in making
22 a payment or installment of support and the amount of the
23 delinquency is greater than the periodic payment amount
24 ordered by the court, the local depository shall serve notice
25 on the obligor informing him or her of:

26 a. The delinquency and its amount.

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

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

3 d. The local depository's authority to release
4 information regarding the delinquency to one or more credit
5 reporting agencies.

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

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

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

21 Section 11. Effective July 1, 2001, subsection (8) of
22 section 61.14, Florida Statutes, is amended to read:

23 61.14 Enforcement and modification of support,
24 maintenance, or alimony agreements or orders.--

25 (8)(a) When reviewing any settlement of lump-sum
26 payment pursuant to s. 440.20(11)(a) and (b), judges of
27 compensation claims shall consider the interests of the worker
28 and the worker's family when approving the settlement, which
29 must consider and provide for appropriate recovery of past due
30 support.

31

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

7 Section 12. Section 61.181, Florida Statutes, is
8 amended to read:

9 61.181 Depository for alimony transactions, support,
10 maintenance, and ~~child~~ support payments; fees.--

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

29 (2)(a) For payments not required to be processed
30 through the State Disbursement Unit, the depository shall
31 impose and collect a fee on each payment made for receiving,

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

22 (b)1. For the period of July 1, 1992, through June 30,
23 2002, the fee imposed in paragraph (a) shall be increased to 4
24 percent of the support payments which the party is obligated
25 to pay, except that no fee shall be more than \$5.25. The fee
26 shall be considered by the court in determining the amount of
27 support that the obligor is, or may be, required to pay.

28 Notwithstanding the provisions of s. 145.022, 75 percent of
29 the additional revenues generated by this paragraph shall be
30 remitted monthly to the Clerk of the Court Child Support
31 Enforcement Collection System Trust Fund administered by the

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

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

24 a. For each support payment of less than \$33, 18.75
25 cents.

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

28 c. For each support payment in excess of \$140, 18.75
29 cents.

30 3. The fees established by this section shall be set
31 forth and included in every order of support entered by a

1 court of this state which requires payment to be made into the
2 depository.

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

- 17 1. The obligor's name, address, social security
18 number, place of employment, and any other sources of income.
- 19 2. The obligee's name, address, and social security
20 number.
- 21 3. The amount of support due as provided in the court
22 order.
- 23 4. The schedule of payment as provided in the court
24 order.
- 25 5. The actual amount of each support payment received,
26 the date of receipt, the amount disbursed, and the recipient
27 of the disbursement.
- 28 6. The unpaid balance of any arrearage due as provided
29 in the court order.
- 30 7. Other records as necessary to comply with federal
31 reporting requirements.

1 (b) The depository may require a payor or obligor to
2 complete an information form, which shall request the
3 following about the payor or obligor who provides payment by
4 check:

- 5 1. Full name, address, and home phone number.
- 6 2. Driver's license number.
- 7 3. Social security number.
- 8 4. Name, address, and business phone number of
9 obligor's employer.
- 10 5. Date of birth.
- 11 6. Weight and height.
- 12 7. Such other information as may be required by the
13 State Attorney if prosecution for an insufficient check
14 becomes necessary.

15
16 If the depository requests such information, and a payor or
17 obligor does not comply, the depository may refuse to accept
18 personal checks from the payor or obligor.

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

27 (d) When custody of a child is relinquished by a
28 custodial parent who is entitled to receive child support
29 moneys from the depository to a licensed or registered
30 long-term care child agency, that agency may request from the
31 court an order directing child support payments which would

1 otherwise be distributed to the custodial parent be
2 distributed to the agency for the period of custody of the
3 child by the agency. Thereafter, payments shall be
4 distributed to the agency as if the agency were the custodial
5 parent until further order of the court.

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

13 (5) The depository shall accept a support payment
14 tendered in the form of a check drawn on the account of a
15 payor or obligor, unless the payor or obligor has previously
16 remitted a check which was returned to the depository due to
17 lack of sufficient funds in the account. If the payor or
18 obligor has had a check returned for this reason, the
19 depository shall accept payment by cash, cashier's check, or
20 money order, or may accept a check upon deposit by the payor
21 or obligor of an amount equal to 1 month's payment. Upon
22 payment by cash, cashier's check, or money order, the
23 depository shall disburse the proceeds to the obligee within 2
24 working days. Payments drawn by check on the account of a
25 payor or obligor shall be disbursed within 4 working days.
26 Notwithstanding the provisions of s. 28.243, the administrator
27 of the depository shall not be personally liable if the check
28 tendered by the payor or obligor is not paid by the bank.

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

1 (7) The depository shall provide to the Title IV-D
2 agency the date provided by a payor, as required in s.
3 61.1301, for each payment received and forwarded to the
4 agency. If no date is provided by the payor, the depository
5 shall provide the date of receipt by the depository and shall
6 report to the Title IV-D agency those payors who fail to
7 provide the date the deduction was made.

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

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

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

19 Section 13. Subsection (1) and paragraphs (g), (h),
20 and (m) of subsection (3) of section 61.1824, Florida
21 Statutes, are amended to read:

22 61.1824 State Disbursement Unit.--

23 (1) The State Disbursement Unit is hereby created and
24 shall be operated by the Department of Revenue or by a
25 contractor responsible directly to the department. The State
26 Disbursement Unit shall be responsible for the collection and
27 disbursement of payments for:

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

30 (b) All child support cases not being enforced by the
31 department pursuant to Title IV-D of the Social Security Act

1 in which the initial support order was issued in this state on
2 or after January 1, 1994, and in which the obligor's child
3 support obligation is being paid through income deduction.

4 (3) The State Disbursement Unit shall perform the
5 following functions:

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

8 (h) Receive and convert ~~child~~ support payments made in
9 foreign currency.

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

14 Section 14. Effective October 1, 2001, paragraph (a)
15 of subsection (3) of section 61.1825, Florida Statutes, is
16 amended to read:

17 61.1825 State Case Registry.--

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

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

25 2. A temporary or final injunction for protection
26 against domestic violence has been granted pursuant to s.
27 741.30(6), an injunction for protection against domestic
28 violence has been issued by a court of a foreign state
29 pursuant to s. 741.315, or a temporary or final injunction for
30 protection against repeat violence has been granted pursuant
31 to s. 784.046; or

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

6 Section 15. Effective July 1, 2001, paragraph (a) of
7 subsection (2) and subsection (12) of section 61.30, Florida
8 Statutes, are amended to read:

9 61.30 Child support guidelines; retroactive child
10 support.--

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

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

15 1. Salary or wages.

16 2. Bonuses, commissions, allowances, overtime, tips,
17 and other similar payments.

18 3. Business income from sources such as
19 self-employment, partnership, close corporations, and
20 independent contracts. "Business income" means gross receipts
21 minus ordinary and necessary expenses required to produce
22 income.

23 4. Disability benefits.

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

25 6. Unemployment compensation.

26 7. Pension, retirement, or annuity payments.

27 8. Social security benefits.

28 9. Spousal support received from a previous marriage
29 or court ordered in the marriage before the court.

30 10. Interest and dividends.

31

1 11. Rental income, which is gross receipts minus
2 ordinary and necessary expenses required to produce the
3 income.

4 12. Income from royalties, trusts, or estates.

5 13. Reimbursed expenses or in kind payments to the
6 extent that they reduce living expenses.

7 14. Gains derived from dealings in property, unless
8 the gain is nonrecurring.

9 (12)(a) A parent with a support obligation may have
10 other children living with him or her who were born or adopted
11 after the support obligation arose. If such subsequent
12 children exist, the court, when considering an upward
13 modification of an existing award, may disregard the income
14 from secondary employment obtained in addition to the parent's
15 primary employment if the court determines that the employment
16 was obtained primarily to support the subsequent children.

17 (b) Except as provided in paragraph (a), the existence
18 of such subsequent children should not as a general rule be
19 considered by the court as a basis for disregarding the amount
20 provided in the guidelines. The parent with a support
21 obligation for subsequent children may raise the existence of
22 such subsequent children as a justification for deviation from
23 the guidelines. However, if the existence of such subsequent
24 children is raised, the income of the other parent of the
25 subsequent children shall be considered by the court in
26 determining whether or not there is a basis for deviation from
27 the guideline amount.

28 (c) The issue of subsequent children under paragraph
29 (a) or paragraph (b) may only be raised in a proceeding for an
30 upward modification of an existing award and may not be
31 applied to justify a decrease in an existing award.

1 Section 16. Subsection (11) of section 61.30, Florida
2 Statutes, is amended to read:

3 61.30 Child support guidelines; retroactive child
4 support.--

5 (11)(a) The court may adjust the minimum child support
6 award, or either or both parents' share of the minimum child
7 support award, based upon the following considerations:

8 1. Extraordinary medical, psychological, educational,
9 or dental expenses.

10 2. Independent income of the child, not to include
11 moneys received by a child from supplemental security income.

12 3. The payment of support for a parent which regularly
13 has been paid and for which there is a demonstrated need.

14 4. Seasonal variations in one or both parents' incomes
15 or expenses.

16 5. The age of the child, taking into account the
17 greater needs of older children.

18 6. Special needs, such as costs that may be associated
19 with the disability of a child, that have traditionally been
20 met within the family budget even though the fulfilling of
21 those needs will cause the support to exceed the proposed
22 guidelines.

23 7. Total available assets of the obligee, obligor, and
24 the child.

25 8. The impact of the Internal Revenue Service
26 dependency exemption and waiver of that exemption. The court
27 may order the primary residential parent to execute a waiver
28 of the Internal Revenue Service dependency exemption if the
29 noncustodial parent is current in support payments.

30 9. When application of the child support guidelines
31 requires a person to pay another person more than 55 percent

1 of his or her gross income for a child support obligation for
2 current support resulting from a single support order.

3 10. The particular shared parental arrangement, such
4 as where the child spends a significant amount of time, but
5 less than 40 percent of the overnights, with the noncustodial
6 parent, thereby reducing the financial expenditures incurred
7 by the primary residential parent; or the refusal of the
8 noncustodial parent to become involved in the activities of
9 the child.

10 ~~11.10.~~ Any other adjustment which is needed to achieve
11 an equitable result which may include, but not be limited to,
12 a reasonable and necessary existing expense or debt. Such
13 expense or debt may include, but is not limited to, a
14 reasonable and necessary expense or debt which the parties
15 jointly incurred during the marriage.

16 (b) Whenever a particular shared parental arrangement
17 provides that each child spend a substantial amount of time
18 with each parent, the court shall adjust any award of child
19 support, as follows ~~based upon~~:

20 1. In accordance with subsections (9) and (10),
21 calculate the amount of support obligation apportioned to the
22 noncustodial parent without including day care and health
23 insurance costs in the calculation and multiply the amount by
24 1.5.

25 2. In accordance with subsections (9) and (10),
26 calculate the amount of support obligation apportioned to the
27 custodial parent without including day care and health
28 insurance costs in the calculation and multiply the amount by
29 1.5.

30 3. Calculate the percentage of overnight stays the
31 child spends with each parent.

1 4. Multiply the noncustodial parent's support
2 obligation as calculated in subparagraph 1. by the percentage
3 of the custodial parent's overnight stays with the child as
4 calculated in subparagraph 3.

5 5. Multiply the custodial parent's support obligation
6 as calculated in subparagraph 2. by the percentage of the
7 noncustodial parent's overnight stays with the child as
8 calculated in subparagraph 3.

9 6. The difference between the amounts calculated in
10 subparagraphs 4. and 5. shall be the monetary transfer
11 necessary between the custodial and noncustodial parents for
12 the care of the child, subject to an adjustment for day care
13 and health insurance expenses.

14 7. Pursuant to subsections (7) and (8), calculate the
15 net amounts owed by the custodial and noncustodial parents for
16 the expenses incurred for day care and health insurance
17 coverage for the child. Day care shall be calculated without
18 regard to the 25 percent reduction applied by subsection (7).

19 8. Adjust the support obligation owed by the custodial
20 or noncustodial parent pursuant to subparagraph 6. by
21 crediting or debiting the amount calculated in subparagraph 7.
22 This amount represents the child support which must be
23 exchanged between the custodial and noncustodial parents.

24 9. The court may deviate from the child support amount
25 calculated pursuant to subparagraph 8. based upon the
26 considerations set forth in paragraph (a), as well as the
27 likelihood that the noncustodial parent will actually exercise
28 the visitation granted by the court and whether all of the
29 children are exercising the same shared parental arrangement.

30 10. For purposes of adjusting any award of child
31 support under this paragraph, "substantial amount of time"

1 means that the noncustodial parent exercises visitation at
2 least 40 percent of the overnights of the year.

3 ~~1. The amount of time each child will spend with each~~
4 ~~parent under the shared parental arrangement.~~

5 ~~2. The needs of each child.~~

6 ~~3. The direct and indirect financial expenses for each~~
7 ~~child. For purposes of this subparagraph, "direct financial~~
8 ~~expenses" means any expenses which are incurred directly on~~
9 ~~behalf of a child or in which a child directly participates,~~
10 ~~including, but not limited to, expenses relating to what a~~
11 ~~child eats or wears or schooling and extracurricular~~
12 ~~activities, and "indirect financial expenses" means any~~
13 ~~household expenses from which a child indirectly benefits,~~
14 ~~including, but not limited to, expenses relating to a~~
15 ~~mortgage, rent, utilities, automobile, and automobile~~
16 ~~insurance.~~

17 ~~4. The comparative income of each parent, considering~~
18 ~~all relevant factors, as provided in s. 61.30 (2)(a).~~

19 ~~5. The station in life of each parent and each child.~~

20 ~~6. The standard of living experienced by the entire~~
21 ~~family during the marriage.~~

22 ~~7. The financial status and ability of each parent.~~

23 (c) A noncustodial parent's failure to regularly
24 exercise court-ordered or agreed visitation not caused by the
25 custodial parent which resulted in the adjustment of the
26 amount of child support pursuant to paragraph (a)10. or
27 paragraph (b) shall be deemed a substantial change of
28 circumstances for purposes of modifying the child support
29 award. A modification pursuant to this paragraph shall be
30 retroactive to the date the noncustodial parent first failed
31 to regularly exercise court-ordered or agreed visitation.

1 Section 17. Subsection (4) of section 69.041, Florida
2 Statutes, is amended to read:

3 69.041 State named party; lien foreclosure, suit to
4 quiet title.--

5 (4)(a) The Department of Revenue has the right to
6 participate in the disbursement of funds remaining in the
7 registry of the court after distribution pursuant to s.
8 45.031(7). The department shall participate in accordance with
9 applicable procedures in any mortgage foreclosure action in
10 which the department has a duly filed tax warrant, or
11 interests under a lien arising from a judgment, order, or
12 decree for ~~child~~ support, as defined in s. 409.2554, against
13 the subject property and with the same priority, regardless of
14 whether a default against the department has been entered for
15 failure to file an answer or other responsive pleading.

16 (b) With respect to a duly filed tax warrant,
17 paragraph (a) applies only to mortgage foreclosure actions
18 initiated on or after July 1, 1994, and to those mortgage
19 foreclosure actions initiated before July 1, 1994, in which no
20 default has been entered against the Department of Revenue
21 before July 1, 1994. With respect to mortgage foreclosure
22 actions initiated based upon interests under a lien arising
23 from a judgment, order, or decree for ~~child~~ support, paragraph
24 (a) applies only to mortgage foreclosure actions initiated on
25 or after July 1, 1998, and to those mortgage foreclosure
26 actions initiated before July 1, 1998, in which no default has
27 been entered against the Department of Revenue before July 1,
28 1998.

29 Section 18. Subsection (15) of section 213.053,
30 Florida Statutes, is amended to read:

31 213.053 Confidentiality and information sharing.--

1 (15) The department may disclose confidential taxpayer
2 information contained in returns, reports, accounts, or
3 declarations filed with the department by persons subject to
4 any state or local tax to the child support enforcement
5 program, to assist in the location of parents who owe or
6 potentially owe a duty of support, as defined in s. 409.2554,
7 pursuant to Title IV-D of the Social Security Act, their
8 assets, their income, and their employer, and to the
9 Department of Children and Family Services for the purpose of
10 diligent search activities pursuant to chapter 39. Nothing in
11 this subsection authorizes the disclosure of information if
12 such disclosure is prohibited by federal law. Employees of the
13 child support enforcement program and of the Department of
14 Children and Family Services are bound by the same
15 requirements of confidentiality and the same penalties for
16 violation of the requirements as the department.

17 Section 19. Section 231.097, Florida Statutes, is
18 amended to read:

19 231.097 Suspension or denial of teaching certificate
20 due to child support delinquency.--The department shall allow
21 applicants for new or renewal certificates and renewal
22 certificateholders to be screened by the Title IV-D child
23 support agency pursuant to s. 409.2598 to assure compliance
24 with an ~~a~~ support obligation for support, as defined in s.
25 409.2554. The purpose of this section is to promote the
26 public policy of this state as established in s. 409.2551.
27 The department shall, when directed by the court, deny the
28 application of any applicant found to have a delinquent
29 support obligation. The department shall issue or reinstate
30 the certificate without additional charge to the
31 certificateholder when notified by the court that the

1 certificateholder has complied with the terms of the court
2 order. The department shall not be held liable for any
3 certificate denial or suspension resulting from the discharge
4 of its duties under this section.

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

7 320.05 Records of the department; inspection
8 procedure; lists and searches; fees.--

9 (2) Upon receipt of an application for the
10 registration of a motor vehicle or mobile home, as herein
11 provided for, the department shall register the motor vehicle
12 or mobile home under the distinctive number assigned to such
13 motor vehicle or mobile home by the department. Electronic
14 registration records shall be open to the inspection of the
15 public during business hours. Information on a motor vehicle
16 registration may not be made available to a person unless the
17 person requesting the information furnishes positive proof of
18 identification. The agency that furnishes a motor vehicle
19 registration record shall record the name and address of any
20 person other than a representative of a law enforcement agency
21 who requests and receives information from a motor vehicle
22 registration record and shall also record the name and address
23 of the person who is the subject of the inquiry or other
24 information identifying the entity about which information is
25 requested. A record of each such inquiry must be maintained
26 for a period of 6 months from the date upon which the
27 information was released to the inquirer. Nothing in this
28 section shall prohibit any financial institution, insurance
29 company, motor vehicle dealer, licensee under chapter 493,
30 attorney, or other agency which the department determines has
31 the right to know from obtaining, for professional or business

1 use only, information in such records from the department
2 through any means of telecommunication pursuant to a code
3 developed by the department providing all fees specified in
4 subsection (3) have been paid. The department shall disclose
5 records or information to the child support enforcement agency
6 to assist in the location of individuals who owe or
7 potentially owe ~~child support~~, as defined in s. 409.2554, or
8 to whom such an obligation is owed pursuant to Title IV-D of
9 the Social Security Act.

10 Section 21. Effective July 1, 2001, section 322.058,
11 Florida Statutes, is amended to read:

12 322.058 Suspension of driving privileges due to ~~child~~
13 support delinquency.--

14 (1) When the department receives notice from the Title
15 IV-D agency or depository or the clerk of the court that any
16 person licensed to operate a motor vehicle in the State of
17 Florida under the provisions of this chapter has a delinquent
18 ~~child support obligation~~ or has failed to comply with a
19 subpoena, order to appear, order to show cause, or similar
20 order, the department shall suspend the driver's license of
21 the person named in the notice and the registration of all
22 motor vehicles owned by that person.

23 (2) The department must reinstate the driving
24 privilege and allow registration of a motor vehicle when the
25 Title IV-D agency in IV-D cases or the depository or the clerk
26 of the court in non-IV-D cases provides to the department an
27 affidavit stating that:

28 (a) The person has paid the delinquency;

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

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

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

6 (3) The department shall not be held liable for any
7 license or vehicle registration suspension resulting from the
8 discharge of its duties under this section.

9 (4) This section applies only to the annual renewal in
10 the owner's birth month of a motor vehicle registration and
11 does not apply to the transfer of a registration of a motor
12 vehicle sold by a motor vehicle dealer licensed under chapter
13 320, except for the transfer of registrations which is
14 inclusive of the annual renewals. This section does not affect
15 the issuance of the title to a motor vehicle, notwithstanding
16 s. 319.23(7)(b).

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

19 322.142 Color photographic or digital imaged
20 licenses.--

21 (4) The department may maintain a film negative or
22 print file. The department shall maintain a record of the
23 digital image and signature of the licensees, together with
24 other data required by the department for identification and
25 retrieval. Reproductions from the file or digital record shall
26 be made and issued only for departmental administrative
27 purposes, for the issuance of duplicate licenses, ~~or~~ in
28 response to law enforcement agency requests, or to the
29 Department of Revenue pursuant to an interagency agreement to
30 facilitate service of process in Title IV-D cases, and are
31 exempt from the provisions of s. 119.07(1).

1 Section 23. Subsection (1) of section 328.42, Florida
2 Statutes, is amended to read:

3 328.42 Suspension or denial of a vessel registration
4 due to child support delinquency; dishonored checks.--

5 (1) The department must allow applicants for new or
6 renewal registrations to be screened by the Department of
7 Revenue, as the Title IV-D child support agency under s.
8 409.2598 to assure compliance with an obligation for support
9 as defined in s. 409.2554, or by a non-IV-D obligee to assure
10 compliance with a child support obligation. The purpose of
11 this section is to promote the public policy of this state as
12 established in s. 409.2551. The department must, when
13 directed by the court, deny or suspend the vessel registration
14 of any applicant found to have a delinquent child support
15 obligation. The department must issue or reinstate a
16 registration when notified by the Title IV-D agency or the
17 court that the applicant has complied with the terms of the
18 court order. The department may not be held liable for any
19 registration denial or suspension resulting from the discharge
20 of its duties under this section.

21 Section 24. Subsections (7) and (10) of section
22 409.2554, Florida Statutes, are amended, and subsections (13)
23 and (14) are added to that section, to read:

24 409.2554 Definitions; ss. 409.2551-409.2598.--As used
25 in ss. 409.2551-409.2598, the term:

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

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

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

10 (b) Child support only in cases not being enforced by
11 the Department of Revenue ~~Support for a child who is placed~~
12 ~~under the custody of someone other than the custodial parent~~
13 ~~pursuant to s. 39.521, s. 39.522, s. 39.622, s. 39.623, or s.~~
14 ~~39.624.~~

15 (13) "Undistributable collection" means a support
16 payment received by the department which the department
17 determines cannot be distributed to the final intended
18 recipient.

19 (14) "Unidentifiable collection" means a payment
20 received by the department for which the noncustodial parent,
21 custodial parent, depository or circuit civil numbers, or
22 source of the payment cannot be identified.

23 Section 25. Subsection (3) of section 409.2557,
24 Florida Statutes, is amended to read:

25 409.2557 State agency for administering child support
26 enforcement program.--

27 (3) SPECIFIC RULEMAKING AUTHORITY.--The department has
28 the authority to adopt rules pursuant to ss. 120.536(1) and
29 120.54 to implement all laws administered by the department in
30 its capacity as the Title IV-D agency for this state
31 including, but not limited to, the following:

- 1 (a) Background screening of department employees and
2 applicants, including criminal records checks;
3 (b) Confidentiality and retention of department
4 records; access to records; record requests;
5 (c) Department trust funds;
6 (d) Federal funding procedures;
7 (e) Agreements with law enforcement and other state
8 agencies; National Crime Information Center (NCIC) access;
9 Parent Locator Service access;
10 (f) Written agreements entered into between the
11 department and ~~child~~ support obligors in establishment,
12 enforcement, and modification proceedings;
13 (g) Procurement of services by the department, pilot
14 programs, and demonstration projects;
15 (h) Management of cases by the department involving
16 any documentation or procedures required by federal or state
17 law, including but not limited to, cooperation; review and
18 adjustment; audits; interstate actions; diligent efforts for
19 service of process;
20 (i) Department procedures for orders for genetic
21 testing; subpoenas to establish, enforce, or modify orders;
22 increasing the amount of monthly obligations to secure
23 delinquent support; suspending or denying driver's and
24 professional licenses and certificates; fishing and hunting
25 license suspensions; suspending vehicle and vessel
26 registrations; screening applicants for new or renewal
27 licenses, registrations, or certificates; income deduction;
28 credit reporting and accessing; tax refund intercepts;
29 passport denials; liens; financial institution data matches;
30 expedited procedures; medical support; and all other
31

1 responsibilities of the department as required by state or
2 federal law;

3 (j) Collection and disbursement of ~~child~~ support and
4 alimony payments by the department as required by federal law;
5 collection of genetic testing costs and other costs awarded by
6 the court;

7 (k) Report information to and receive information from
8 other agencies and entities;

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

11 (m) Privatizing location, establishment, enforcement,
12 modification, and other functions;

13 (n) State case registry;

14 (o) State disbursement unit; and

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

17 Section 26. Section 409.25575, Florida Statutes, is
18 amended to read:

19 409.25575 ~~Child~~ Support enforcement; privatization.--

20 (1) It is the intent of the Legislature to encourage
21 the Department of Revenue to contract with private entities
22 for the provision of ~~child~~ support enforcement services
23 whenever such contracting is cost-effective.

24 (2) The department shall contract for the delivery,
25 administration, or management of ~~child~~ support enforcement
26 activities and other related services or programs, when
27 appropriate. The department shall retain responsibility for
28 the quality of contracted services and programs and shall
29 ensure that services are delivered in accordance with
30 applicable federal and state statutes and regulations.

31

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

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

25 (4)(a) Any entity contracting to provide ~~child~~ support
26 enforcement services under this section must comply with all
27 statutory requirements and agency regulations in the provision
28 of contractual services.

29 (b) Any entity contracting to provide ~~child~~ support
30 enforcement services under this section must also participate
31 in and cooperate with any federal program that will assist in

1 the maximization of federal supports for these services, as
2 directed by the department.

3 Section 27. Effective October 1, 2001, section
4 409.2558, Florida Statutes, is amended to read:

5 409.2558 ~~Child~~ Support distribution and
6 disbursement.--

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

12 (2) UNDISTRIBUTABLE COLLECTIONS.--

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

16 (b) Collections that are determined to be
17 undistributable shall be processed in the following order of
18 priority:

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

21 2. Apply the payment to any administrative costs
22 ordered by the court pursuant to s. 409.2567 associated with
23 the custodial parent's case; then

24 3. When the noncustodial parent is subject to a valid
25 order to support other children in another case with a
26 different custodial parent and the obligation is being
27 enforced by the department, the department shall, with the
28 noncustodial parent's permission, apply the payment towards
29 his or her other support obligation; then

30 4. Return the payment to the noncustodial parent; then
31

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

5 (c) Refunds to noncustodial parents that are
6 determined to be undistributable shall be processed in the
7 following manner:

8 1. The federal share of the refund shall be sent to
9 the Federal Government.

10 2. The state share shall be credited to the General
11 Revenue Fund.

12 (3) UNIDENTIFIABLE COLLECTIONS.--

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

15 (b) Upon being determined to be unidentifiable, the
16 federal share of unidentifiable collections shall be credited
17 to the Federal Government and the state share shall be
18 transferred to the General Revenue Fund.

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

28 (a) Offset the next credit to the Federal Government
29 in an amount equal to the share of the collection which had
30 been transferred; and

31

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

4
5 The collection shall then be processed, as appropriate.

6 ~~(5)(2)~~ RECONSIDERATION OF DISTRIBUTION AND
7 DISBURSEMENT.--A recipient of collection and distribution
8 services of the department's Child Support Enforcement Program
9 may request a reconsideration by the department concerning the
10 amount collected, the date collected, the amount distributed,
11 the distribution timing, or the calculation of arrears. The
12 department shall establish by rule a reconsideration procedure
13 for informal review of agency action in distributing and
14 disbursing ~~child~~ support payments collected by the department.
15 The procedures must provide the recipients of services with an
16 opportunity to review the department's actions before a
17 hearing is requested under chapter 120.

18 ~~(6)(3)~~ OVERPAYMENT.--If the department's records
19 indicate that a ~~child~~ support obligee has received an
20 overpayment of ~~child~~ support from the department due to either
21 mistake or fraud, the department may take action to recover
22 the overpayment. The department may establish by rule a
23 procedure to recover overpayments.

24 (7) RULEMAKING AUTHORITY.--The department may adopt
25 rules to administer this section. The department shall provide
26 a draft of the proposed concepts for the rule for the
27 undistributable collections to interested parties for review
28 and recommendations prior to full development of the rule and
29 initiating the formal rule-development process. The department
30 shall consider but is not required to implement the
31 recommendations. The department shall provide a report to the

1 President of the Senate and the Speaker of the House of
2 Representatives containing the recommendations received from
3 interested parties and the department's response regarding
4 incorporating the recommendations into the rule.

5 Section 28. Subsections (1), (2), (3), and (5) of
6 section 409.2561, Florida Statutes, are amended to read:

7 409.2561 ~~Child~~ Support obligations when public
8 assistance is paid; assignment of rights; subrogation; medical
9 and health insurance information.--

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

1 party to the cause and shall have the right to settle and
2 compromise actions brought pursuant to law.

3 (2)(a) By accepting temporary cash assistance or Title
4 IV-E public assistance, the recipient assigns to the
5 department any right, title, and interest to support the
6 recipient may be owed:

7 1. From any other person up to the amount of temporary
8 cash assistance or Title IV-E public assistance paid where no
9 court order has been entered, or where there is a court order
10 it is limited to the amount provided by such court order;

11 2. On the recipient's own behalf or in behalf of
12 another family member for whom the recipient is receiving
13 temporary cash or Title IV-E assistance; and

14 3. At the time that the assignment becomes effective
15 by operation of law.

16 (b) The recipient of public assistance appoints the
17 department as her or his attorney in fact to act in her or his
18 name, place, and stead to perform specific acts relating to
19 the establishment of paternity or the establishment,
20 modification, or enforcement of support obligations,
21 including, but not limited to:

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

26 2. Compromising claims;

27 3. Pursuing the establishment or modification of
28 support obligations;

29 ~~4.3.~~ Pursuing civil and criminal enforcement of
30 support obligations; and

31

1 5.4. Executing verified complaints for the purpose of
2 instituting an action for the determination of paternity of a
3 child born, or to be born, out of wedlock.

4 (3) The department shall be subrogated to the right of
5 the dependent child or person having the care, custody, and
6 control of the child to prosecute or maintain any support
7 action or action to determine paternity or execute any legal,
8 equitable, or administrative remedy existing under the laws of
9 the state to obtain reimbursement of temporary cash assistance
10 or Title IV-E public assistance paid, being paid, or to be
11 paid.

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

14 (a) The IV-D agency shall obtain basic medical support
15 information for Medicaid recipients and applicants for
16 Medicaid and provide this information to the state Medicaid
17 agency for third-party liability purposes.

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

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

29 (d) Entities providing health insurance as defined in
30 s. 624.603 and health maintenance organizations and prepaid
31 health clinics as defined in chapter 641 shall provide such

1 records and information as is necessary to accomplish the
2 purpose of this subsection, unless such requirement results in
3 an unreasonable burden.

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

11 Section 29. Section 409.2563, Florida Statutes, is
12 created to read:

13 409.2563 Pilot program for administrative
14 establishment of child-support obligations.--

15 (1) DEFINITIONS.--As used in this section, the term:

16 (a) "Administrative support order" means a final order
17 rendered by or on behalf of the department pursuant to this
18 section establishing or modifying the obligation of a
19 noncustodial parent to contribute to the support and
20 maintenance of his or her child or children, which may include
21 provisions for monetary support, retroactive support, health
22 care, and other elements of support pursuant to chapter 61.

23 (b) "Caretaker relative" has the same meaning ascribed
24 in s. 414.0252(11).

25 (c) "Filed" means a document has been received and
26 accepted for filing at the offices of the department by the
27 clerk or any authorized deputy clerk of the department. The
28 date of filing must be indicated on the face of the document
29 by the clerk or deputy clerk.

30 (d) "Rendered" means that a signed written order is
31 filed with the clerk or any deputy clerk of the department.

1 The date of filing must be indicated on the face of the order
2 at the time of rendition.

3 (e) "Title IV-D case" means a case or proceeding in
4 which the department is providing child-support services
5 within the scope of Title IV-D of the Social Security Act, 42
6 U.S.C. ss. 651 et seq.

7 (f) "Retroactive support" means a child-support
8 obligation established pursuant to s. 61.30(17).

9
10 Other terms used in this section have the meanings ascribed in
11 ss. 409.2554 and 61.046.

12 (2) PURPOSE AND SCOPE.--

13 (a) It is not the Legislature's intent to limit the
14 jurisdiction of the circuit courts to hear and determine
15 issues regarding child support. This section is intended to
16 provide the department with an alternative procedure for
17 establishing child-support obligations in Title IV-D cases in
18 a fair and expeditious manner when there is no court order of
19 support.

20 (b) The administrative procedure set forth in this
21 section concerns only the establishment of child-support
22 obligations. This section does not grant jurisdiction to the
23 department or the Division of Administrative Hearings to hear
24 or determine issues of dissolution of marriage, separation,
25 alimony or spousal support, termination of parental rights,
26 dependency, disputed paternity, award of or change of custody,
27 or visitation. This paragraph notwithstanding, the department
28 and the Division of Administrative Hearings may make findings
29 of fact which are necessary for a proper determination of a
30 noncustodial parent's support obligation as authorized by this
31 section.

1 (c) If there is no support order for a child in a
2 Title IV-D case whose paternity has been established or is
3 presumed by law, the department may establish a noncustodial
4 parent's child-support obligation pursuant to this section, s.
5 61.30, and other relevant provisions of state law. The
6 noncustodial parent's obligation determined by the department
7 may include any obligation to pay retroactive support and any
8 obligation to provide for health care for a child, whether
9 through insurance coverage, reimbursement of expenses, or
10 both. The department may proceed on behalf of:

11 1. An applicant or recipient of public assistance, as
12 provided by ss. 409.2561 and 409.2567;

13 2. A former recipient of public assistance, as
14 provided by s. 409.2569;

15 3. An individual who has applied for services as
16 provided by s. 409.2567;

17 4. Itself or the child, as provided by s. 409.2561; or

18 5. A state or local government of another state, as
19 provided by chapter 88.

20 (d) Either parent, or a caretaker relative if
21 applicable, may at any time file a civil action in a circuit
22 court having jurisdiction and proper venue to determine the
23 noncustodial parent's child support obligations, if any. A
24 support order issued by a circuit court prospectively
25 supersedes an administrative support order rendered by the
26 department.

27 (3) JURISDICTION OVER NONRESIDENTS.--The department
28 may use the procedures authorized by this section to establish
29 a child-support obligation against a nonresident over whom the
30 state may assert personal jurisdiction under chapter 48 or
31 chapter 88.

1 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
2 SUPPORT ORDER.--To commence a proceeding under this section,
3 the department shall provide to the custodial parent and serve
4 the noncustodial parent with a notice of proceeding to
5 establish administrative support order and a blank financial
6 affidavit form. The notice must state:

7 (a) The names of both parents, the name of the
8 caretaker relative, if any, and the name and date of birth of
9 the child or children;

10 (b) That the department intends to establish an
11 administrative support order as defined in this section;

12 (c) That both parents must submit a completed
13 financial affidavit to the department within 20 days after
14 receiving the notice, as provided by paragraph (13)(a);

15 (d) That both parents, or parent and caretaker
16 relative if applicable, are required to furnish to the
17 department information regarding their identities and
18 locations, as provided by paragraph (13)(b);

19 (e) That both parents, or parent and caretaker
20 relative if applicable, are required to promptly notify the
21 department of any change in their mailing addresses to ensure
22 receipt of all subsequent pleadings, notices, and orders, as
23 provided by paragraph (13)(c);

24 (f) That the department will calculate support
25 obligations based on the child-support guidelines in s. 61.30
26 and using all available information, as provided by paragraph
27 (5)(a), and will incorporate such obligations into a proposed
28 administrative support order;

29 (g) That the department will send by regular mail to
30 both parents, or parent and caretaker relative if applicable,
31 a copy of the proposed administrative support order, the

1 department's child-support worksheet, and any financial
2 affidavits submitted by a parent or prepared by the
3 department;

4 (h) That the noncustodial parent may file a request
5 for a hearing in writing within 20 days after the date of
6 mailing or other service of the proposed administrative
7 support order or will be deemed to have waived the right to
8 request a hearing;

9 (i) That if the noncustodial parent does not file a
10 timely request for hearing after service of the proposed
11 administrative support order, the department will issue an
12 administrative support order that incorporates the findings of
13 the proposed administrative support order, and will send by
14 regular mail a copy of the administrative support order to
15 both parents, or parent and caretaker relative if applicable;

16 (j) That after an administrative support order is
17 rendered, the department will file a copy of the order with
18 the clerk of the circuit court;

19 (k) That after an administrative support order is
20 rendered, the department may enforce the administrative
21 support order by any lawful means; and

22 (l) That either parent, or caretaker relative if
23 applicable, may file at any time a civil action in a circuit
24 court having jurisdiction and proper venue to determine the
25 noncustodial parent's child-support obligations, if any, and
26 that a support order issued by a circuit court supersedes an
27 administrative support order rendered by the department.

28
29 The department may serve the notice of proceeding to establish
30 administrative support order by certified mail, return receipt
31 requested. Alternatively, the department may serve the notice

1 by any means permitted for service of process in a civil
2 action. For purposes of this section, an authorized employee
3 of the department may serve the notice and execute an
4 affidavit of service. Service by certified mail is completed
5 when the certified mail is received or refused. The department
6 shall provide the custodial parent or caretaker relative with
7 a copy of the notice by regular mail to the last known address
8 of the custodial parent or caretaker.

9 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

10 (a) After serving notice upon the noncustodial parent
11 in accordance with subsection (4), the department shall
12 calculate the noncustodial parent's child-support obligation
13 under the child-support guidelines as provided by s. 61.30,
14 based on any timely financial affidavits received and other
15 information available to the department. If either parent
16 fails to comply with the requirement to furnish a financial
17 affidavit, the department may proceed on the basis of
18 information available from any source, if such information is
19 sufficiently reliable and detailed to allow calculation of
20 guideline amounts under s. 61.30. If the custodial parent
21 receives public assistance and fails to submit a financial
22 affidavit, the department may submit a financial affidavit for
23 the custodial parent pursuant to s. 61.30(15). If there is a
24 lack of sufficient reliable information concerning a parent's
25 actual earnings for a current or past period, it shall be
26 presumed for the purpose of establishing a support obligation
27 that the parent had an earning capacity equal to the federal
28 minimum wage during the applicable period.

29 (b) The department shall send by regular mail to both
30 parents, or to a parent and caretaker relative if applicable,
31 copies of the proposed administrative support order, its

1 completed child-support worksheet, and any financial
2 affidavits submitted by a parent or prepared by the
3 department. The proposed administrative support order must
4 contain the same elements as required for an administrative
5 support order under paragraph (7)(e).

6 (c) The department shall provide a notice of rights
7 with the proposed administrative support order, which notice
8 must inform the noncustodial parent that:

9 1. The noncustodial parent may, within 20 days after
10 the date of mailing or other service of the proposed
11 administrative support order, request a hearing by filing a
12 written request for hearing in a form and manner specified by
13 the department;

14 2. If the noncustodial parent files a timely request
15 for a hearing, the case shall be transferred to the Division
16 of Administrative Hearings, which shall conduct further
17 proceedings and may enter an administrative support order;

18 3. A noncustodial parent who fails to file a timely
19 request for a hearing shall be deemed to have waived the right
20 to a hearing, and the department may render an administrative
21 support order pursuant to paragraph (7)(b);

22 4. The noncustodial parent may consent in writing to
23 entry of an administrative support order without a hearing;

24 5. The noncustodial parent may, within 10 days after
25 the date of mailing or other service of the proposed
26 administrative support order, contact a department
27 representative, at the address or telephone number specified
28 in the notice, to informally discuss the proposed
29 administrative support order and, if informal discussions are
30 requested and held within a reasonable time, the time for
31 requesting a hearing will be extended until 10 days after the

1 department notifies the noncustodial parent that the informal
2 discussions have been concluded; and

3 6. If an administrative support order that establishes
4 a noncustodial parent's support obligation is rendered,
5 whether after a hearing or without a hearing, the department
6 may enforce the administrative support order by any lawful
7 means.

8 (d) If, after serving the proposed administrative
9 support order but before a final administrative support order
10 is rendered, the department receives additional information
11 that makes it necessary to amend the proposed administrative
12 support order, it shall prepare an amended proposed
13 administrative support order, with accompanying amended
14 child-support worksheets and other material necessary to
15 explain the changes, and follow the same procedures set forth
16 in paragraphs (b) and (c).

17 (6) HEARING.--If the noncustodial parent files a
18 timely request for hearing, the department shall refer the
19 hearing request to the Division of Administrative Hearings.
20 Unless otherwise provided by this section, chapter 120 and the
21 division's uniform rules shall govern the conduct of the
22 proceedings. The administrative law judge shall consider all
23 available and admissible information, and any presumptions
24 that apply as provided by paragraph (5)(a). A designated
25 employee or other representative of the department, who need
26 not be an attorney, may represent the department as a
27 qualified representative at the hearing.

28 (7) ADMINISTRATIVE SUPPORT ORDER.--

29 (a) If a hearing is held, notwithstanding ss. 120.569
30 and 120.57, the administrative law judge of the Division of
31 Administrative Hearings shall issue an administrative support

1 order, or a final order denying an administrative support
2 order, which constitutes final agency action by the
3 department. The Division of Administrative Hearings shall
4 transmit any such order to the department for filing and
5 indexing.

6 (b) If the noncustodial parent does not file a timely
7 request for a hearing, the noncustodial parent will be deemed
8 to have waived the right to request a hearing.

9 (c) If the noncustodial parent waives the right to a
10 hearing, or consents in writing to the entry of an order
11 without a hearing, the department may render an administrative
12 support order.

13 (d) The department shall send by regular mail a copy
14 of the administrative support order, or the final order
15 denying an administrative support order, to both parents, or a
16 parent and caretaker relative if applicable. The noncustodial
17 parent shall be notified of the right to seek judicial review
18 of the administrative support order in accordance with s.
19 120.68.

20 (e) An administrative support order must comply with
21 s. 61.30. The department, after consultation with the Division
22 of Administrative Hearings and the chief judge of the circuit
23 in which the pilot program is located, shall develop a
24 standard form or forms for administrative support orders. An
25 administrative support order must provide and state findings,
26 if applicable, concerning:

27 1. The full name and date of birth of the child or
28 children;

29 2. The name of the noncustodial parent and the
30 custodial parent or caretaker relative;

31

1 3. The noncustodial parent's duty and ability to
2 provide support;

3 4. The amount of the noncustodial parent's monthly
4 support obligation for each child;

5 5. Any obligation to pay retroactive support;

6 6. The noncustodial parent's obligation to provide for
7 the health care needs of each child, whether through insurance
8 coverage, contribution towards the cost of insurance coverage,
9 payment or reimbursement of health care expenses for the
10 child, or any combination thereof;

11 7. The beginning date of any required monthly payments
12 and health care coverage;

13 8. That all support payments ordered must be paid to
14 the Florida State Disbursement Unit as provided by s. 61.1824;

15 9. That the parents, or caretaker relative if
16 applicable, must file with the department when the
17 administrative support order is rendered, if they have not
18 already done so, and update as appropriate the information
19 required pursuant to paragraph (13)(b); and

20 10. That both parents, or parent and caretaker
21 relative if applicable, are required to promptly notify the
22 department of any change in their mailing addresses pursuant
23 to paragraph (13)(c).

24
25 An income-deduction order as provided by s. 61.1301 must be
26 incorporated into the administrative support order or, if not
27 incorporated into the administrative support order, the
28 department shall render a separate income-deduction order.

29 (8) FILING WITH THE CLERK OF THE CIRCUIT COURT;
30 OFFICIAL PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.--The
31 department shall file with the clerk of the circuit court a

1 certified copy of an administrative support order rendered
2 under this section. The depository operated pursuant to s.
3 61.181 for the county where the administrative support order
4 has been filed shall:

5 (a) Act as the official recordkeeper for payments
6 required under the administrative support order;

7 (b) Establish and maintain the necessary payment
8 accounts;

9 (c) Upon a delinquency, initiate the judgment by
10 operation of law procedure as provided by s. 61.14(6); and

11 (d) Perform all other duties required of a depository
12 with respect to a support order entered.

13 (9) COLLECTION ACTION; ENFORCEMENT.--

14 (a) The department may implement an income-deduction
15 notice immediately upon rendition of an income-deduction
16 order, whether it is incorporated in the administrative
17 support order or rendered separately.

18 (b) The department may initiate other collection
19 action 15 days after the date an administrative support order
20 is rendered under this section.

21 (c) In a subsequent proceeding to enforce an
22 administrative support order, notice of the proceeding that is
23 sent by regular mail to the person's address of record
24 furnished to the department constitutes adequate notice of the
25 proceeding pursuant to paragraph (13)(c).

26 (d) An administrative support order rendered under
27 this section, until modified by the department or superseded
28 by a court order, may be enforced:

29 1. In any manner permitted for enforcement of a
30 support order issued by a court of this state, except for
31 contempt; or

1 2. Pursuant to s. 120.69.
2 (10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER
3 SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--
4 (a) A noncustodial parent has the right to seek
5 judicial review of an administrative support order or a final
6 order denying an administrative support order in accordance
7 with s. 120.68. The department has the right to seek judicial
8 review, in accordance with s. 120.68, of an administrative
9 support order or a final order denying an administrative
10 support order entered by an administrative law judge of the
11 Division of Administrative Hearings.
12 (b) An administrative support order rendered under
13 this section may be enforced by any circuit court in the same
14 manner as a support order issued by the court, except for
15 contempt. If the circuit court issues its own order based on
16 the administrative support order, the circuit court may
17 enforce its own order by contempt. Enforcement by the court,
18 without any change by the court in the support obligations
19 established in the administrative support order, does not
20 supersede the administrative support order or affect the
21 department's authority to modify the administrative support
22 order as provided by subsection (12).
23 (c) A circuit court of this state, where venue is
24 proper and the court has jurisdiction of the parties, may
25 enter an order prospectively changing the support obligations
26 established in an administrative support order, in which case
27 the administrative support order is superseded and the court's
28 order shall govern future proceedings in the case. Any unpaid
29 support owed under the superseded administrative support order
30 may not be changed by the circuit court, but remains
31 enforceable by the department, by the obligee, or by the

1 court. In all cases in which an administrative support order
2 is superseded, the court shall determine the amount of any
3 unpaid support owed under the administrative support order and
4 shall include the amount as arrearage in its superseding
5 order.

6 (11) EFFECTIVENESS OF ADMINISTRATIVE SUPPORT

7 ORDER.--An administrative support order rendered under this
8 section remains in effect until modified by the department,
9 vacated on appeal, or superseded by a subsequent court order.

10 If the department closes a Title IV-D case in which an
11 administrative support order has been rendered:

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

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

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

18 (12) MODIFICATION OF ADMINISTRATIVE SUPPORT ORDER.--If

19 it has not been superseded by a subsequent court order, the
20 department may modify an administrative support order in a
21 Title IV-D case prospectively, subject to the requirements for
22 modifications of judicial support orders established in
23 chapters 61 and 409, by following the same procedures set
24 forth in this section for establishing an administrative
25 support order, as applicable.

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

29 (a) The noncustodial parent and custodial parent must
30 execute and furnish to the department, no later than 20 days
31 after receipt of the notice of proceeding to establish

1 administrative support order, a financial affidavit in the
2 form prescribed in the Florida Family Law Rules of Procedure.
3 An updated financial affidavit must be executed and furnished
4 to the department at the inception of each proceeding to
5 modify an administrative support order. Caretaker relatives
6 are not required to furnish financial affidavits.

7 (b) The noncustodial parent, custodial parent, and
8 caretaker relative if applicable, shall disclose to the
9 department, no later than 20 days after receipt of the notice
10 of proceeding to establish administrative support order, and
11 update as appropriate, information regarding their identities
12 and locations, including names they are known by; social
13 security numbers; residential and mailing addresses; telephone
14 numbers; driver's license numbers; and names, addresses, and
15 telephone numbers of employers. Pursuant to the federal
16 Personal Responsibility and Work Opportunity Reconciliation
17 Act of 1996, each person must provide his or her social
18 security number in accordance with this section. Disclosure of
19 social security numbers obtained through this requirement
20 shall be limited to the purpose of administration of the Title
21 IV-D program for child-support enforcement.

22 (c) The noncustodial parent, custodial parent, and
23 caretaker relative, if applicable, have a continuing
24 obligation to promptly inform the department in writing of any
25 change in their mailing addresses to ensure receipt of all
26 subsequent pleadings, notices, payments, statements, and
27 orders, and receipt is presumed if sent by regular mail to the
28 most recent address furnished by the person.

29 (14) JUDICIAL PLEADINGS AND MOTIONS.--A party to any
30 subsequent judicial proceeding concerning the support of the
31 same child or children shall affirmatively plead the existence

1 of, and furnish the court with a correct copy of, an
2 administrative support order rendered under this section, and
3 shall provide the department with a copy of the initial
4 pleading. The department may intervene as a matter of right in
5 any such judicial proceeding involving issues within the scope
6 of the Title IV-D case.

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

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

13 (17) PILOT PROGRAM.--For the purpose of identifying
14 measurable outcomes, the pilot program shall be located in a
15 county selected by the Department of Revenue having a
16 population of fewer than 500,000 in which the Title IV-D
17 caseload did not exceed 20,000 cases and the obligation rate
18 was approximately 65 percent at the end of the 1999-2000
19 fiscal year. The Department of Revenue shall develop
20 measurable outcomes that at a minimum consist of the
21 department's support order establishment performance measures
22 that are applicable to this pilot program, a measure of the
23 effectiveness of the pilot program in establishing support
24 orders as compared to the judicial process, and a measure of
25 the cost-efficiency of the pilot program as compared to the
26 judicial process. The Department of Revenue and the Division
27 of Administrative Hearings shall implement the pilot program
28 established by this section on July 1, 2001, or as soon
29 thereafter as practicable. The department shall use the
30 procedures of this section to establish support obligations in
31 Title IV-D cases on behalf of custodial parents or caretaker

1 relatives residing in the county selected for the pilot
2 program. The Office of Program Policy Analysis and Government
3 Accountability shall conduct an evaluation of the
4 establishment, operation, and impact of the pilot program. In
5 evaluating the pilot program, achievement of the measurable
6 outcomes must be considered. By January 31, 2003, the
7 Department of Revenue shall submit a preliminary evaluation
8 report of the results of the pilot program to the Governor and
9 Cabinet, the President of the Senate, and the Speaker of the
10 House of Representatives. A final evaluation report on the
11 pilot program shall be submitted by January 31, 2004, which
12 must include the findings of the evaluation, the feasibility
13 of a statewide program, and recommendations, if any, for
14 establishing a statewide program. The pilot program expires
15 June 30, 2004, unless continued by action of the Legislature.

16 Section 30. Paragraph (a) of subsection (8) and
17 subsections (10), (11), and (12) of section 409.2564, Florida
18 Statutes, are amended to read:

19 409.2564 Actions for support.--

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

24 (a) For the purpose of establishing or ~~or~~ modifying a
25 child support order, or enforcing a ~~child~~ support order, the
26 director of this or another state's Title IV-D agency, or any
27 employee designated by the director of this state's Title IV-D
28 agency or authorized under another state's law, may administer
29 oaths or affirmations, subpoena witnesses and compel their
30 attendance, take evidence and require the production of any
31 matter which is relevant to the ~~child~~ support ~~enforcement~~

1 action, including the existence, description, nature, custody,
2 condition, and location of any books, documents, or other
3 tangible things and the identity and location of persons
4 having knowledge of relevant facts or any other matter
5 reasonably calculated to lead to the discovery of material
6 evidence.

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

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

- 18 1. Pays the delinquency in full; or
- 19 2. Files a petition with the circuit court to contest
20 the delinquency action.

21 (11) For the purposes of denial, revocation, or
22 limitation of an individual's United States passport,
23 consistent with 42 U.S.C. s. 652(k)(1), the Title IV-D agency
24 shall have procedures to certify to the Secretary of the
25 United States Department of Health and Human Services, in the
26 format and accompanied by such supporting documentation as the
27 secretary may require, a determination that an individual owes
28 arrearages of ~~child~~ support in an amount exceeding \$5,000.
29 Said procedures shall provide that the individual be given
30 notice of the determination and of the consequence thereof and
31

1 that the individual shall be given an opportunity to contest
2 the accuracy of the determination.

3 (12) The Title IV-D agency shall review child-support
4 ~~support~~ orders in IV-D cases at least every 3 years upon
5 request by either party, or the agency in cases where there is
6 an assignment of support to the state under s. 414.095(8), and
7 may seek adjustment of the order if appropriate under the
8 guidelines established in s. 61.30. Not less than once every 3
9 years the IV-D agency shall provide notice to the parties
10 subject to the order informing them of their right to request
11 a review and, if appropriate, an adjustment of the
12 child-support ~~support~~ order. Said notice requirement may be
13 met by including appropriate language in the initial support
14 order or any subsequent orders.

15 Section 31. Effective July 1, 2001, section 409.25645,
16 Florida Statutes, is amended to read:

17 409.25645 Administrative orders for genetic
18 testing.--The department is authorized to use administrative
19 orders to require genetic testing in Title IV-D cases. In
20 such cases the department or an authorized agent may issue an
21 administrative order to a putative father who has not
22 voluntarily submitted to genetic testing, directing him to
23 appear for a genetic test to determine the paternity of a
24 child, provided that the department shall have no authority to
25 issue such an order in the absence of an affidavit or written
26 declaration as provided in s. 92.525(2) of the child's mother
27 stating that the putative father is or may be a parent of the
28 child. The administrative order shall state:

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

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

1 (3) That upon failure to appear for the genetic test,
2 or refusal to be tested, the department shall file a petition
3 in circuit court to establish paternity and child support.
4

5 A copy of the affidavit or written declaration which is the
6 basis for the issuance of the administrative order shall be
7 attached to the order. The administrative order is exempt
8 from the hearing provisions in chapter 120, because the person
9 to whom it is directed shall have an opportunity to object in
10 circuit court in the event the department pursues the matter
11 by filing a petition in circuit court. The department may
12 serve the administrative order to appear for a genetic test by
13 regular mail. In any case in which more than one putative
14 father has been identified, the department may proceed under
15 this section with respect to all putative fathers. If the
16 department receives a request from another state Title IV-D
17 agency to assist in the establishment of paternity, the
18 department may cause an administrative order to appear for a
19 genetic test to be served on a putative father who resides in
20 Florida.

21 Section 32. Section 409.2565, Florida Statutes, is
22 amended to read:

23 409.2565 Publication of delinquent obligors.--For
24 support orders that are being enforced by the department, the
25 department may compile and make available for publication a
26 listing of cases in which payment of the ~~child~~ support
27 obligation is overdue. Each case on the list may be
28 identified only by the name of the support obligor, the
29 support obligor's court order docket or case number, the
30 county in which the obligor's support order is filed, the
31 arrearage amount, and a photograph. The department need not

1 give prior notice to the obligor of the publication and
2 listing of cases.

3 Section 33. Subsection (1) and paragraph (a) of
4 subsection (7) of section 409.25656, Florida Statutes, are
5 amended to read:

6 409.25656 Garnishment.--

7 (1) If a person has a ~~child~~ support obligation which
8 is subject to enforcement by the department as the state Title
9 IV-D program, the executive director or his or her designee
10 may give notice of past due and/or overdue support by
11 registered mail to all persons who have in their possession or
12 under their control any credits or personal property,
13 including wages, belonging to the ~~child~~ support obligor, or
14 owing any debts to the ~~child~~ support obligor at the time of
15 receipt by them of such notice. Thereafter, any person who has
16 been notified may not transfer or make any other disposition,
17 up to the amount provided for in the notice, of such credits,
18 other personal property, or debts until the executive director
19 or his or her designee consents to a transfer or disposition,
20 or until 60 days after the receipt of such notice. If the
21 obligor contests the intended levy in the circuit court or
22 under chapter 120, the notice under this section shall remain
23 in effect until final disposition of that circuit court or
24 chapter 120 action. Any financial institution receiving such
25 notice will maintain a right of setoff for any transaction
26 involving a debit card occurring on or before the date of
27 receipt of such notice.

28 (7)(a) Levy may be made under subsection (3) upon
29 credits, other personal property, or debt of any person with
30 respect to any past due or overdue ~~child~~ support obligation
31 only after the executive director or his or her designee has

1 notified such person in writing of the intention to make such
2 levy.

3 Section 34. Effective July 1, 2001, subsection (8) of
4 section 409.25656, Florida Statutes, is amended to read:

5 409.25656 Garnishment.--

6 (8) An obligor may contest the notice of intent to
7 levy provided for under subsection (7) by filing a petition an
8 action in the existing circuit court case. Alternatively, the
9 obligor may file a petition under the applicable provisions of
10 chapter 120. After an action has been initiated under chapter
11 120 to contest the notice of intent to levy, an action
12 relating to the same levy may not be filed by the obligor in
13 circuit court, and judicial review is exclusively limited to
14 appellate review pursuant to s. 120.68. Also, after an action
15 has been initiated in circuit court, an action may not be
16 brought under chapter 120.

17 Section 35. Subsection (5) of section 409.25657,
18 Florida Statutes, is amended to read:

19 409.25657 Requirements for financial institutions.--

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

24 Section 36. Section 409.25658, Florida Statutes, is
25 amended to read:

26 409.25658 Use of unclaimed property for past due ~~child~~
27 support.--

28 (1) In a joint effort to facilitate the collection and
29 payment of past due ~~child~~ support, the Department of Revenue,
30 in cooperation with the Department of Banking and Finance,
31 shall identify persons owing ~~child~~ support collected through a

1 court who are presumed to have abandoned property held by the
2 Department of Banking and Finance.

3 (2) The department shall periodically provide the
4 Department of Banking and Finance with an electronic file of
5 ~~child~~ support obligors who owe past due ~~child~~ support. The
6 Department of Banking and Finance shall conduct a data match
7 of the file against all apparent owners of abandoned property
8 under chapter 717 and provide the resulting match list to the
9 department.

10 (3) Upon receipt of the data match list, the
11 department shall provide to the Department of Banking and
12 Finance the obligor's last known address. The Department of
13 Banking and Finance shall follow the notification procedures
14 under s. 717.118.

15 (4) Prior to paying an obligor's approved claim, the
16 Department of Banking and Finance shall notify the department
17 that such claim has been approved. Upon confirmation that the
18 Department of Banking and Finance has approved the claim, the
19 department shall immediately send a notice by certified mail
20 to the obligor, with a copy to the Department of Banking and
21 Finance, advising the obligor of the department's intent to
22 intercept the approved claim up to the amount of the past due
23 ~~child~~ support, and informing the obligor of the obligor's
24 right to request a hearing under chapter 120. The Department
25 of Banking and Finance shall retain custody of the property
26 until a final order has been entered and any appeals thereon
27 have been concluded. If the obligor fails to request a
28 hearing, the department shall enter a final order instructing
29 the Department of Banking and Finance to transfer to the
30 department the property in the amount stated in the final
31 order. Upon such transfer, the Department of Banking and

1 Finance shall be released from further liability related to
2 the transferred property.

3 (5) The provisions of this section provide a
4 supplemental remedy, and the department may use this remedy in
5 conjunction with any other method of collecting ~~child~~ support.

6 Section 37. Section 409.2567, Florida Statutes, is
7 amended to read:

8 409.2567 Services to individuals not otherwise
9 eligible.--All ~~child~~ support services provided by the
10 department shall be made available on behalf of all dependent
11 children. Services shall be provided upon acceptance of public
12 assistance or upon proper application filed with the
13 department. The department shall adopt rules to provide for
14 the payment of a \$25 application fee from each applicant who
15 is not a public assistance recipient. The application fee
16 shall be deposited in the Child Support Enforcement
17 Application and Program Revenue Trust Fund within the
18 Department of Revenue to be used for the Child Support
19 Enforcement Program. The obligor is responsible for all
20 administrative costs, as defined in s. 409.2554. The court
21 shall order payment of administrative costs without requiring
22 the department to have a member of the bar testify or submit
23 an affidavit as to the reasonableness of the costs. An
24 attorney-client relationship exists only between the
25 department and the legal services providers in Title IV-D
26 cases. The attorney shall advise the obligee in Title IV-D
27 cases that the attorney represents the agency and not the
28 obligee. In Title IV-D cases, any costs, including filing
29 fees, recording fees, mediation costs, service of process
30 fees, and other expenses incurred by the clerk of the circuit
31 court, shall be assessed only against the nonprevailing

1 obligor after the court makes a determination of the
2 nonprevailing obligor's ability to pay such costs and fees. In
3 any case where the court does not award all costs, the court
4 shall state in the record its reasons for not awarding the
5 costs. The Department of Revenue shall not be considered a
6 party for purposes of this section; however, fees may be
7 assessed against the department pursuant to s. 57.105(1). The
8 department shall submit a monthly report to the Governor and
9 the chairs of the Health and Human Services Fiscal Committee
10 of the House of Representatives and the Ways and Means
11 Committee of the Senate specifying the funds identified for
12 collection from the noncustodial parents of children receiving
13 temporary assistance and the amounts actually collected.

14 Section 38. Paragraph (i) of subsection (1) and
15 subsections (3) and (4) of section 409.2572, Florida Statutes,
16 are amended, and subsection (5) is added to that section, to
17 read:

18 409.2572 Cooperation.--

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

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

24 (3) The Title IV-D staff of the department shall be
25 responsible for determining and reporting to the ~~Title IV-A~~
26 staff of the Department of Children and Family Services acts
27 of noncooperation by applicants or recipients of public cash
28 ~~or medical~~ assistance. Any person who applies for or is
29 receiving public assistance for, or who has the care, custody,
30 or control of, a dependent child and who without good cause
31 fails or refuses to cooperate with the department, a program

1 attorney, or a prosecuting attorney in the course of
2 administering this chapter shall be sanctioned by the
3 Department of Children and Family Services pursuant to chapter
4 414 and is ineligible to receive public assistance until such
5 time as the department determines cooperation has been
6 satisfactory.

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

12 (5) As used in this section only, the term "applicant
13 for or recipient of public assistance for a dependent child"
14 refers to such applicants and recipients of public assistance
15 as defined in s. 409.2554(7), with the exception of applicants
16 for or recipients of Medicaid solely for the benefit of a
17 dependent child.

18 Section 39. Subsection (1) of section 409.2578,
19 Florida Statutes, is amended to read:

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

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

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

9 Section 40. Subsections (1) and (2) of section
10 409.2579, Florida Statutes, are amended to read:

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

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

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

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

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

30 (d) Reporting to an appropriate agency or official,
31 information on known or suspected instances of physical or

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

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

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

13 Section 41. Section 409.2591, Florida Statutes, is
14 repealed.

15 Section 42. Subsection (2) of section 409.2594,
16 Florida Statutes, is amended to read:

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

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

22 Section 43. Subsections (1), (2), and (3) of section
23 409.2598, Florida Statutes, are amended to read:

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

26 (1) The Title IV-D agency may petition the court that
27 entered the support order or the court that is enforcing the
28 support order to deny or suspend the license, registration, or
29 certificate issued under chapter 231, chapter 370, chapter
30 372, chapter 409, chapter 455, chapter 456, chapter 559, s.
31 328.42, or s. 597.010 of any obligor with a delinquent ~~child~~

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

8 (2) The Title IV-D agency is authorized to screen all
9 applicants for new or renewal licenses, registrations, or
10 certificates and current licenses, registrations, or
11 certificates and current licensees, registration holders, and
12 certificateholders of all licenses, registrations, and
13 certificates issued under chapter 231, chapter 370, chapter
14 372, chapter 409, chapter 455, chapter 456, or chapter 559 or
15 s. 328.42 to ensure compliance with any ~~child~~ support
16 obligation and any subpoenas, orders to appear, orders to show
17 cause, or similar orders relating to paternity or ~~child~~
18 support proceedings. If the Title IV-D agency determines that
19 an applicant, licensee, registration holder, or
20 certificateholder is an obligor who is delinquent on a support
21 obligation or who is not in compliance with a subpoena, order
22 to appear, order to show cause, or similar order relating to
23 paternity or ~~child~~ support proceedings, the Title IV-D agency
24 shall certify the delinquency pursuant to s. 61.14.

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

1 obligor has 30 days from the date on which service of the
2 notice is complete to pay the delinquency or to reach an
3 agreement to pay the delinquency with the Title IV-D agency or
4 comply with the subpoena, order to appear, order to show
5 cause, or similar order. The notice shall specify that, if
6 payment is not made or an agreement cannot be reached, or if
7 the subpoena, order to appear, order to show cause, or similar
8 order is not complied with, the application may be denied or
9 the license or certification may be suspended pursuant to a
10 court order.

11 Section 44. Paragraph (a) of subsection (5) of section
12 414.065, Florida Statutes, is amended to read:

13 414.065 Noncompliance with work requirements.--

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

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

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

27 Section 45. Subsection (8) of section 414.095, Florida
28 Statutes, is amended to read:

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

31

1 (8) ASSIGNMENT OF RIGHTS TO SUPPORT.--As a condition
2 of receiving temporary cash assistance, the family must assign
3 to the department any rights a member of a family may have to
4 support from any other person. This applies to any family
5 member; however, the assigned amounts must not exceed the
6 total amount of temporary cash assistance provided to the
7 family. The assignment of ~~child~~ support does not apply if the
8 family leaves the program.

9 Section 46. Subsection (1) of section 414.32, Florida
10 Statutes, is amended to read:

11 414.32 Prohibitions and restrictions with respect to
12 food stamps.--

13 (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT
14 AGENCY.--

15 (a) A parent or caretaker relative who receives
16 temporary cash assistance or food stamps on behalf of a child
17 under 18 years of age who has an absent parent is ineligible
18 for food stamps unless the parent or caretaker relative
19 cooperates with the state agency that administers the child
20 support enforcement program in establishing the paternity of
21 the child, if the child is born out of wedlock, and in
22 obtaining support for the child or for the parent or caretaker
23 relative and the child. This paragraph does not apply if the
24 state agency that administers the food stamp ~~child support~~
25 ~~enforcement~~ program determines that the parent or caretaker
26 relative has good cause for failing to cooperate. The
27 Department of Revenue shall determine good cause for failure
28 to cooperate if the Department of Children and Family Services
29 obtains written authorization from the United States
30 Department of Agriculture approving such arrangements.
31

1 (b) A putative or identified noncustodial parent of a
2 child under 18 years of age is ineligible for food stamps if
3 the parent fails to cooperate with the state agency that
4 administers the child support enforcement program in
5 establishing the paternity of the child, if the child is born
6 out of wedlock, or fails to provide support for the child.
7 This paragraph does not apply if the state agency that
8 administers the child support enforcement program determines
9 that the noncustodial parent has good cause for refusing to
10 cooperate in establishing the paternity of the child.

11 Section 47. Effective July 1, 2001, paragraph (d) is
12 added to subsection (11) of section 440.20, Florida Statutes,
13 to read:

14 440.20 Time for payment of compensation; penalties for
15 late payment.--

16 (11)

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

22 Section 48. Effective July 1, 2001, section 440.22,
23 Florida Statutes, is amended to read:

24 440.22 Assignment and exemption from claims of
25 creditors.--No assignment, release, or commutation of
26 compensation or benefits due or payable under this chapter
27 except as provided by this chapter shall be valid, and such
28 compensation and benefits shall be exempt from all claims of
29 creditors, and from levy, execution and attachments or other
30 remedy for recovery or collection of a debt, which exemption
31 may not be waived. However, the exemption of workers'

1 compensation claims from creditors does not extend to claims
2 based on an award of child support or spousal support.

3 Section 49. Paragraphs (b) and (c) of subsection (1)
4 and subsection (3) of section 443.051, Florida Statutes, are
5 amended to read:

6 443.051 Benefits not alienable; exception, child
7 support intercept.--

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

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

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

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

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

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

31

1 1. The amount specified by the individual to the
2 division to be deducted and withheld under this section;

3 2. The amount determined pursuant to an agreement
4 submitted to the division under s. 454(20)(B)(i) of the Social
5 Security Act by the state or local child support enforcement
6 agency; or

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

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

13 (d) Any amount deducted and withheld under this
14 subsection shall for all purposes be treated as if it were
15 paid to the individual as unemployment compensation and paid
16 by such individual to the state or local child support
17 enforcement agency for ~~child~~ support obligations.

18 (e) Each state or local child support enforcement
19 agency shall reimburse the state agency charged with the
20 administration of the Unemployment Compensation Law for the
21 administrative costs incurred by the division under this
22 subsection which are attributable to ~~child~~ support obligations
23 being enforced by the state or local child support enforcement
24 agency.

25 Section 50. Subsection (9) of section 455.203, Florida
26 Statutes, is amended to read:

27 455.203 Department; powers and duties.--The
28 department, for the boards under its jurisdiction, shall:

29 (9) Allow applicants for new or renewal licenses and
30 current licensees to be screened by the Title IV-D child
31 support agency pursuant to s. 409.2598 to assure compliance

1 with a support obligation. The purpose of this subsection is
2 to promote the public policy of this state as established in
3 s. 409.2551. The department shall, when directed by the court,
4 suspend or deny the license of any licensee found to have a
5 delinquent support obligation, as defined in s. 409.2554. The
6 department shall issue or reinstate the license without
7 additional charge to the licensee when notified by the court
8 that the licensee has complied with the terms of the court
9 order. The department shall not be held liable for any license
10 denial or suspension resulting from the discharge of its
11 duties under this subsection.

12 Section 51. Subsection (9) of section 456.004, Florida
13 Statutes, is amended to read:

14 456.004 Department; powers and duties.--The
15 department, for the professions under its jurisdiction, shall:

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

30 Section 52. Subsection (3) of section 559.79, Florida
31 Statutes, is amended to read:

1 559.79 Applications for license or renewal.--

2 (3) The department shall allow the Title IV-D child
3 support agency to screen all applicants for new or renewal
4 licenses and current licensees pursuant to s. 409.2598 to
5 assure compliance with a support obligation, as defined in s.
6 409.2554. The purpose of this subsection is to promote the
7 public policy of this state as established in s. 409.2551. The
8 department shall, when directed by the court, suspend or deny
9 the license of any licensee found to have a delinquent support
10 obligation. The department shall issue or reinstate the
11 license without additional charge to the licensee when
12 notified by the court that the licensee has complied with the
13 terms of the court order. The department shall not be liable
14 for any license denial or suspension resulting from the
15 discharge of its duties under this subsection.

16 Section 53. Effective July 1, 2001, subsection (2) of
17 section 742.12, Florida Statutes, is amended to read:

18 742.12 Scientific testing to determine paternity.--

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

1 Section 54. Subsection (5) of section 943.053, Florida
2 Statutes, is amended to read:

3 943.053 Dissemination of criminal justice information;
4 fees.--

5 (5) Notwithstanding any other provision of law, the
6 department shall provide to the Florida Department of Revenue
7 Child Support Enforcement access to Florida criminal records
8 which are not exempt from disclosure under chapter 119, and to
9 such information as may be lawfully available from other
10 states via the National Law Enforcement Telecommunications
11 System, for the purpose of locating subjects who owe or
12 potentially owe ~~child support~~, as defined in s. 409.2554, or
13 to whom such obligation is owed pursuant to Title IV-D of the
14 Social Security Act. Such information may be provided to child
15 support enforcement authorities in other states for these
16 specific purposes.

17 Section 55. Except as otherwise expressly provided in
18 this act, this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1284

4 Repeals the section of law which permits the withholding of
5 motor vehicle impact fee refunds for non-custodial parents who
6 are delinquent in their child support obligation.

6 Provides for a disregard of secondary employment income when
7 there are subsequent children when considering an upward
8 modification of an existing child support award.

8 Expands the Department of Revenue's authority to petition the
9 court to suspend professional licenses to include the
10 Department of Business and Professional Regulation's licensing
11 chapter.

10 Provides for a methodology for calculating support when the
11 child spends substantial time with the non-custodial parent.

12 Establishes a pilot program for administratively establishing
13 child support orders.

13 Changes the references to "child support" in s. 322.058, F.S.,
14 (Suspension of driving privileges due to support
15 delinquencies) and s. 409.25658, F.S., (Use of unclaimed
16 property for past due support) to "support" to include spousal
17 support in the enforcement actions for which the Department of
18 Revenue is provided authority.

17 Corrects the bill's modification to specify child support and
18 the potential interpretation that the Department of Revenue's
19 immunity from liability is limited to action taken relative to
20 child support obligation and excludes action taken to enforce
21 spousal support.

20 Returns determination of good cause for not cooperating with
21 the Child Support Enforcement Program for non-custodial
22 parents in the Food Stamp Program to the Department of
23 Revenue.

22 Stipulates that for determining good cause for not cooperating
23 with the Child Support Enforcement Program for custodial
24 parents in the Food Stamp Program, the Department of Revenue
25 will continue to determine good cause if the Department of
26 Children and Family Services obtains written authorization
27 from the U.S. Department of Agriculture approving this
28 arrangement.

26 Modifies the requirement for Medicaid recipients to cooperate
27 with the Child Support Enforcement Program to exclude child
28 only Medicaid cases.

28 Directs the Department of Revenue to ascertain recommendations
29 from interested parties in developing the rules for the
30 undistributable collections process and to report the outcome
31 of that process to the legislature.

31 Modifies the entering of income deduction orders to permit the
court to enter an income deduction order when a temporary

1 support order is entered and to encourage the court to include
2 in the order a request that the payment cycle reflect that of
the payor.

3 Modifies the notices of delinquency to clarify that all costs
4 and fees associated with the delinquency must be paid and that
a delinquency notice is not sent until the delinquency owed
5 exceeds the periodic payment amount ordered.

6 Permits the courts to modify a support order retroactive to
the date of filing.

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