

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Crow offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

24.115 Payment of prizes.--

(4) It is the responsibility of the appropriate state agency and of the judicial branch to identify to the department, in the form and format prescribed by the department, persons owing an outstanding debt to any state agency or owing child support collected through a court, including spousal support or alimony for the spouse or former spouse of the obligor if the child-support obligation is being enforced by the Department of Revenue. Prior to the payment of a prize of \$600 or more to any claimant having such an outstanding obligation, the department shall transmit the amount of the debt to the agency claiming the debt and shall authorize payment of the balance to the prize winner after

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1 deduction of the debt. If a prize winner owes multiple debts
2 subject to offset under this subsection and the prize is
3 insufficient to cover all such debts, the amount of the prize
4 shall be transmitted first to the agency claiming that past
5 due child support is owed. If a balance of lottery prize
6 remains after payment of past due child support, the remaining
7 lottery prize amount shall be transmitted to other agencies
8 claiming debts owed to the state, pro rata, based upon the
9 ratio of the individual debt to the remaining debt owed to the
10 state.

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

14 61.046 Definitions.--As used in this chapter:

15 (18) "Support order" means a judgment, decree, or
16 order, whether temporary or final, issued by a court of
17 competent jurisdiction for the support and maintenance of a
18 child which provides for monetary support, health care,
19 arrearages, or past support. When the child-support obligation
20 is being enforced by the Department of Revenue, the term
21 "support order" also means a judgment, decree, or order,
22 whether temporary or final, issued by a court of competent
23 jurisdiction for the support and maintenance of a child and
24 the spouse or former spouse of the obligor with whom the child
25 is living which provides for monetary support, health care,
26 arrearages, or past support.

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

28 (a) Child support and, when the child-support
29 obligation is being enforced by the Department of Revenue,
30 spousal support or alimony for the spouse or former spouse of
31 the obligor with whom the child is living.

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

3 Section 3. Paragraph (a) of subsection (2) of section
4 61.11, Florida Statutes, is amended to read:

5 61.11 Writs.--

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

18 Section 4. Paragraph (a) of subsection (9) of section
19 61.13, Florida Statutes, is amended to read:

20 61.13 Custody and support of children; visitation
21 rights; power of court in making orders.--

22 (9)(a) Beginning July 1, 1997, each party to any
23 paternity or ~~child~~ support proceeding is required to file with
24 the tribunal as defined in s. 88.1011(22) and State Case
25 Registry upon entry of an order, and to update as appropriate,
26 information on location and identity of the party, including
27 social security number, residential and mailing addresses,
28 telephone number, driver's license number, and name, address,
29 and telephone number of employer. Beginning October 1, 1998,
30 each party to any paternity or child support proceeding in a
31 non-Title IV-D case shall meet the above requirements for

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1 updating the tribunal and State Case Registry.

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

5 61.1301 Income deduction orders.--

6 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER
7 ESTABLISHING, ENFORCING, OR MODIFYING AN OBLIGATION FOR
8 ALIMONY OR CHILD SUPPORT.--

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

26 1. In Title IV-D cases, the Title IV-D agency may
27 implement income deduction after receiving a copy of an order
28 from the court under this paragraph or a forwarding agency
29 under UIFSA, URESA, or RURESAs by issuing an income deduction
30 notice to the payor.

31 2. The income deduction notice must state that it is

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1 based upon a valid support order and that it contains an
2 income deduction requirement or upon a separate income
3 deduction order. The income deduction notice must contain the
4 notice to payor provisions specified by paragraph (2)(e). The
5 income deduction notice must contain the following information
6 from the income deduction order upon which the notice is
7 based: the case number, the court that entered the order, and
8 the date entered.

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

12 4. In non-Title IV-D cases, the income deduction
13 notice must be accompanied by a copy of the support order upon
14 which the notice is based. In Title IV-D cases, upon request
15 of a payor, the Title IV-D agency shall furnish the payor a
16 copy of the income deduction order.

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

24 (2) ENFORCEMENT OF INCOME DEDUCTION ORDERS.--

25 (e) Notice to payor and income deduction notice. The
26 notice to payor or, in Title IV-D cases, income deduction
27 notice shall contain only information necessary for the payor
28 to comply with the order providing for income deduction. The
29 notice shall:

- 30 1. Provide the obligor's social security number.
31 2. Require the payor to deduct from the obligor's

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1 income the amount specified in the income deduction order, and
2 in the case of a delinquency the amount specified in the
3 notice of delinquency, and to pay that amount to the obligee
4 or to the depository, as appropriate. The amount actually
5 deducted plus all administrative charges shall not be in
6 excess of the amount allowed under s. 303(b) of the Consumer
7 Credit Protection Act, 15 U.S.C. s. 1673(b);

8 3. Instruct the payor to implement income deduction no
9 later than the first payment date which occurs more than 14
10 days after the date the income deduction notice was served on
11 the payor, and the payor shall conform the amount specified in
12 the income deduction order or, in Title IV-D cases, income
13 deduction notice to the obligor's pay cycle. The court should
14 request at the time of the order that the payment cycle
15 reflect that of the payor;

16 4. Instruct the payor to forward, within 2 days after
17 each date the obligor is entitled to payment from the payor,
18 to the obligee or to the depository the amount deducted from
19 the obligor's income, a statement as to whether the amount
20 totally or partially satisfies the periodic amount specified
21 in the income deduction order or, in Title IV-D cases, income
22 deduction notice, and the specific date each deduction is
23 made. If the IV-D agency is enforcing the order, the payor
24 shall make these notifications to the agency instead of the
25 obligee;

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

30 6. Provide that the payor may collect up to \$5 against
31 the obligor's income to reimburse the payor for administrative

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1 costs for the first income deduction and up to \$2 for each
2 deduction thereafter;

3 7. State that the notice to payor or, in Title IV-D
4 cases, income deduction notice, and in the case of a
5 delinquency the notice of delinquency, are binding on the
6 payor until further notice by the obligee, IV-D agency, or the
7 court or until the payor no longer provides income to the
8 obligor;

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

20 9. State that the payor shall not discharge, refuse to
21 employ, or take disciplinary action against an obligor because
22 of the requirement for income deduction and shall state that a
23 violation of this provision subjects the payor to a civil
24 penalty not to exceed \$250 for the first violation or \$500 for
25 any subsequent violation. Penalties shall be paid to the
26 obligee or the IV-D agency, whichever is enforcing the income
27 deduction, if any alimony or child support obligation is
28 owing. If no alimony or child support obligation is owing, the
29 penalty shall be paid to the obligor;

30 10. State that an obligor may bring a civil action in
31 the courts of this state against a payor who refuses to

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1 employ, discharges, or otherwise disciplines an obligor
2 because of income deduction. The obligor is entitled to
3 reinstatement and all wages and benefits lost, plus reasonable
4 attorney's fees and costs incurred;

5 11. Inform the payor that the requirement for income
6 deduction has priority over all other legal processes under
7 state law pertaining to the same income and that payment, as
8 required by the notice to payor or income deduction notice, is
9 a complete defense by the payor against any claims of the
10 obligor or his or her creditors as to the sum paid;

11 12. Inform the payor that, when the payor receives
12 notices to payor or income deduction notices requiring that
13 the income of two or more obligors be deducted and sent to the
14 same depository, the payor may combine the amounts that are to
15 be paid to the depository in a single payment as long as the
16 payments attributable to each obligor are clearly identified;
17 and

18 13. Inform the payor that if the payor receives more
19 than one notice to payor or income deduction notice against
20 the same obligor, the payor shall contact the court or, in
21 Title IV-D cases, the Title IV-D agency for further
22 instructions. Upon being so contacted, the court or, in Title
23 IV-D cases when all the cases upon which the notices are based
24 are Title IV-D cases, the Title IV-D agency shall allocate
25 amounts available for income deduction as provided in
26 subsection (4).

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

29 61.13015 Petition for suspension or denial of
30 professional licenses and certificates.--

31 (1) An obligee may petition the court which entered

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1 the support order or the court which is enforcing the support
2 order for an order to suspend or deny the license or
3 certificate issued pursuant to chapters 231, 409, 455, 456,
4 and 559 of any obligor with a delinquent ~~child~~ support
5 obligation. However, no petition may be filed until the
6 obligee has exhausted all other available remedies. The
7 purpose of this section is to promote the public policy of s.
8 409.2551.

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

11 61.13016 Suspension of driver's licenses and motor
12 vehicle registrations.--

13 (1) The driver's license and motor vehicle
14 registration of a ~~child~~ support obligor who is delinquent in
15 payment or who has failed to comply with subpoenas or a
16 similar order to appear or show cause relating to paternity or
17 ~~child~~ support proceedings may be suspended. When an obligor is
18 15 days delinquent making a payment in ~~child~~ support or
19 failure to comply with a subpoena, order to appear, order to
20 show cause, or similar order in IV-D cases, the Title IV-D
21 agency may provide notice to the obligor of the delinquency or
22 failure to comply with a subpoena, order to appear, order to
23 show cause, or similar order and the intent to suspend by
24 regular United States mail that is posted to the obligor's
25 last address of record with the Department of Highway Safety
26 and Motor Vehicles. When an obligor is 15 days delinquent in
27 making a payment in ~~child~~ support in non-IV-D cases, and upon
28 the request of the obligee, the depository or the clerk of the
29 court must provide notice to the obligor of the delinquency
30 and the intent to suspend by regular United States mail that
31 is posted to the obligor's last address of record with the

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1 Department of Highway Safety and Motor Vehicles. In either
2 case, the notice must state:

3 (a) The terms of the order creating the ~~child~~ support
4 obligation;

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

9 (c) That notification will be given to the Department
10 of Highway Safety and Motor Vehicles to suspend the obligor's
11 driver's license and motor vehicle registration unless, within
12 20 days after the date the notice is mailed, the obligor:

13 1.a. Pays the delinquency in full and any other costs
14 and fees accrued between the date of the notice and the date
15 the delinquency is paid;

16 b. Enters into a written agreement for payment with
17 the obligee in non-IV-D cases or with the Title IV-D agency in
18 IV-D cases; or in IV-D cases, complies with a subpoena or
19 order to appear, order to show cause, or a similar order; or

20 c. Files a petition with the circuit court to contest
21 the delinquency action; and

22 2. Pays any applicable delinquency fees.

23

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

28 Section 8. Section 61.13017, Florida Statutes, is
29 repealed.

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

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1 61.1354 Sharing of information between consumer
2 reporting agencies and the IV-D agency.--

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

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

28 (a) The consumer report is needed for the purpose of
29 determining an individual's income and establishing an
30 individual's capacity to make ~~child~~ support payments or
31 determining the appropriate amount of child-support ~~such~~

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1 payment to be made by the individual;

2 (b) Paternity of the child of the individual whose
3 report is sought, if that individual is the father of the
4 child, has been established or acknowledged pursuant to the
5 laws of Florida;

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

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

12 Section 10. Paragraph (a) of subsection (1) and
13 paragraphs (a), (b), and (d) of subsection (6) of section
14 61.14, Florida Statutes, are amended to read:

15 61.14 Enforcement and modification of support,
16 maintenance, or alimony agreements or orders.--

17 (1)(a) When the parties enter into an agreement for
18 payments for, or instead of, support, maintenance, or alimony,
19 whether in connection with a proceeding for dissolution or
20 separate maintenance or with any voluntary property
21 settlement, or when a party is required by court order to make
22 any payments, and the circumstances or the financial ability
23 of either party changes or the child who is a beneficiary of
24 an agreement or court order as described herein reaches
25 majority after the execution of the agreement or the rendition
26 of the order, either party may apply to the circuit court of
27 the circuit in which the parties, or either of them, resided
28 at the date of the execution of the agreement or reside at the
29 date of the application, or in which the agreement was
30 executed or in which the order was rendered, for an order
31 decreasing or increasing the amount of support, maintenance,

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1 or alimony, and the court has jurisdiction to make orders as
2 equity requires, with due regard to the changed circumstances
3 or the financial ability of the parties or the child,
4 decreasing, increasing, or confirming the amount of separate
5 support, maintenance, or alimony provided for in the agreement
6 or order. A finding that medical insurance is reasonably
7 available or the child support guidelines in s. 61.30 may
8 constitute changed circumstances. Except as otherwise provided
9 in s. 61.30(11)(c), the court may modify an order of support,
10 maintenance, or alimony by increasing or decreasing the
11 support, maintenance, or alimony retroactively to the date of
12 the filing of the action or supplemental action for
13 modification as equity requires, giving due regard to the
14 changed circumstances or the financial ability of the parties
15 or the child.

16 (6)(a)1. When support payments are made through the
17 local depository or through the State Disbursement Unit, any
18 payment or installment of support which becomes due and is
19 unpaid under any support order is delinquent; and this unpaid
20 payment or installment, and all other costs and fees herein
21 provided for, become, after notice to the obligor and the time
22 for response as set forth in this subsection, a final judgment
23 by operation of law, which has the full force, effect, and
24 attributes of a judgment entered by a court in this state for
25 which execution may issue. No deduction shall be made by the
26 local depository from any payment made for costs and fees
27 accrued in the judgment by operation of law process under
28 paragraph (b) until the total amount of support payments due
29 the obligee under the judgment has been paid.

30 2. A certified statement by the local depository
31 evidencing a delinquency in support payments constitute

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1 evidence of the final judgment under this paragraph.

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

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

18 a. The delinquency and its amount.

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

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

26 d. The local depository's authority to release
27 information regarding the delinquency to one or more credit
28 reporting agencies.

29 2. The local depository shall serve the notice by
30 mailing it by first class mail to the obligor at his or her
31 last address of record with the local depository. If the

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1 obligor has no address of record with the local depository,
2 service shall be by publication as provided in chapter 49.

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

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

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

15 61.14 Enforcement and modification of support,
16 maintenance, or alimony agreements or orders.--

17 (8)(a) When reviewing any settlement of lump-sum
18 payment pursuant to s. 440.20(11)(a) and (b), judges of
19 compensation claims shall consider the interests of the worker
20 and the worker's family when approving the settlement, which
21 must consider and provide for appropriate recovery of past due
22 support.

23 (b) In accordance with ~~Notwithstanding~~ the provisions
24 of s. 440.22, any compensation due or that may become due an
25 employee under chapter 440 is exempt from garnishment,
26 attachment, execution, and assignment of income, except for
27 the purposes of enforcing child or spousal support
28 obligations.

29 Section 12. Section 61.181, Florida Statutes, is
30 amended to read:

31 61.181 Depository for alimony transactions, support,

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1 maintenance, and ~~child~~ support payments; fees.--

2 (1) The office of the clerk of the court shall operate
3 a depository unless the depository is otherwise created by
4 special act of the Legislature or unless, prior to June 1,
5 1985, a different entity was established to perform such
6 functions. The department shall, no later than July 1, 1998,
7 extend participation in the federal child support cost
8 reimbursement program to the central depository in each
9 county, to the maximum extent possible under existing federal
10 law. The depository shall receive reimbursement for services
11 provided under a cooperative agreement with the department
12 pursuant to s. 61.1826. Each depository shall participate in
13 the State Disbursement Unit and shall implement all statutory
14 and contractual duties imposed on the State Disbursement Unit.
15 Each depository shall receive from and transmit to the State
16 Disbursement Unit required data through the Clerk of Court
17 Child Support Enforcement Collection System. Payments on
18 non-Title IV-D cases without income deduction orders shall not
19 be sent to the State Disbursement Unit.

20 (2)(a) For payments not required to be processed
21 through the State Disbursement Unit, the depository shall
22 impose and collect a fee on each payment made for receiving,
23 recording, reporting, disbursing, monitoring, or handling
24 alimony or child support payments as required under this
25 section. For non-Title IV-D cases required to be processed by
26 the State Disbursement Unit pursuant to this chapter, the
27 State Disbursement Unit shall, on each payment received,
28 collect a fee, and shall transmit to the depository in which
29 the case is located 40 percent of such service charge for the
30 depository's administration, management, and maintenance of
31 such case. If a payment is made to the State Disbursement Unit

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1 which is not accompanied by the required fee, the State
2 Disbursement Unit shall not deduct any moneys from the support
3 payment for payment of the fee. The fee shall be a flat fee
4 based, to the extent practicable, upon estimated reasonable
5 costs of operation. The fee shall be reduced in any case in
6 which the fixed fee results in a charge to any party of an
7 amount greater than 3 percent of the amount of any support
8 payment made in satisfaction of the amount which the party is
9 obligated to pay, except that no fee shall be less than \$1 nor
10 more than \$5 per payment made. The fee shall be considered by
11 the court in determining the amount of support that the
12 obligor is, or may be, required to pay.

13 (b)1. For the period of July 1, 1992, through June 30,
14 2002, the fee imposed in paragraph (a) shall be increased to 4
15 percent of the support payments which the party is obligated
16 to pay, except that no fee shall be more than \$5.25. The fee
17 shall be considered by the court in determining the amount of
18 support that the obligor is, or may be, required to pay.
19 Notwithstanding the provisions of s. 145.022, 75 percent of
20 the additional revenues generated by this paragraph shall be
21 remitted monthly to the Clerk of the Court Child Support
22 Enforcement Collection System Trust Fund administered by the
23 department as provided in subparagraph 2. These funds shall
24 be used exclusively for the development, implementation, and
25 operation of the Clerk of the Court Child Support Enforcement
26 Collection System to be operated by the depositories,
27 including the automation of civil case information necessary
28 for the State Case Registry. The department shall contract
29 with the Florida Association of Court Clerks and the
30 depositories to design, establish, operate, upgrade, and
31 maintain the automation of the depositories to include, but

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1 not be limited to, the provision of on-line electronic
2 transfer of information to the IV-D agency as otherwise
3 required by this chapter. The department's obligation to fund
4 the automation of the depositories is limited to the state
5 share of funds available in the Clerk of the Court Child
6 Support Enforcement Collection System Trust Fund. Each
7 depository created under this section shall fully participate
8 in the Clerk of the Court Child Support Enforcement Collection
9 System and transmit data in a readable format as required by
10 the contract between the Florida Association of Court Clerks
11 and the department.

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

15 a. For each support payment of less than \$33, 18.75
16 cents.

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

19 c. For each support payment in excess of \$140, 18.75
20 cents.

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

25 (3)(a) For payments not required to be processed
26 through the State Disbursement Unit, the depository shall
27 collect and distribute all support payments paid into the
28 depository to the appropriate party. On or after July 1, 1998,
29 if a payment is made on a Title IV-D case which is not
30 accompanied by the required transaction fee, the depository
31 shall not deduct any moneys from the support payment for

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1 payment of the fee. Nonpayment of the required fee shall be
2 considered a delinquency, and when the total of fees and costs
3 which are due but not paid exceeds \$50, the judgment by
4 operation of law process set forth in s. 61.14(6)(a) shall
5 become applicable and operational. As part of its collection
6 and distribution functions, the depository shall maintain
7 records listing:

- 8 1. The obligor's name, address, social security
9 number, place of employment, and any other sources of income.
- 10 2. The obligee's name, address, and social security
11 number.
- 12 3. The amount of support due as provided in the court
13 order.
- 14 4. The schedule of payment as provided in the court
15 order.
- 16 5. The actual amount of each support payment received,
17 the date of receipt, the amount disbursed, and the recipient
18 of the disbursement.
- 19 6. The unpaid balance of any arrearage due as provided
20 in the court order.
- 21 7. Other records as necessary to comply with federal
22 reporting requirements.

23 (b) The depository may require a payor or obligor to
24 complete an information form, which shall request the
25 following about the payor or obligor who provides payment by
26 check:

- 27 1. Full name, address, and home phone number.
- 28 2. Driver's license number.
- 29 3. Social security number.
- 30 4. Name, address, and business phone number of
31 obligor's employer.

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- 1 5. Date of birth.
2 6. Weight and height.
3 7. Such other information as may be required by the
4 State Attorney if prosecution for an insufficient check
5 becomes necessary.

6
7 If the depository requests such information, and a payor or
8 obligor does not comply, the depository may refuse to accept
9 personal checks from the payor or obligor.

10 (c) Parties using the depository for support payments
11 shall inform the depository of changes in their names or
12 addresses. An obligor shall, additionally, notify the
13 depository of all changes in employment or sources of income,
14 including the payor's name and address, and changes in the
15 amounts of income received. Notification of all changes shall
16 be made in writing to the depository within 7 days of a
17 change.

18 (d) When custody of a child is relinquished by a
19 custodial parent who is entitled to receive child support
20 moneys from the depository to a licensed or registered
21 long-term care child agency, that agency may request from the
22 court an order directing child support payments which would
23 otherwise be distributed to the custodial parent be
24 distributed to the agency for the period of custody of the
25 child by the agency. Thereafter, payments shall be
26 distributed to the agency as if the agency were the custodial
27 parent until further order of the court.

28 (4) The depository shall provide to the IV-D agency,
29 at least once a month, a listing of IV-D accounts which
30 identifies all delinquent accounts, the period of delinquency,
31 and total amount of delinquency. The list shall be in

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1 alphabetical order by name of obligor, shall include the
2 obligee's name and case number, and shall be provided at no
3 cost to the IV-D agency.

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

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

23 (7) The depository shall provide to the Title IV-D
24 agency the date provided by a payor, as required in s.
25 61.1301, for each payment received and forwarded to the
26 agency. If no date is provided by the payor, the depository
27 shall provide the date of receipt by the depository and shall
28 report to the Title IV-D agency those payors who fail to
29 provide the date the deduction was made.

30 (8) On or before July 1, 1994, the depository shall
31 provide information required by this chapter to be transmitted

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1 to the Title IV-D agency by on-line electronic transmission
2 pursuant to rules promulgated by the Title IV-D agency.

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

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

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

13 61.1824 State Disbursement Unit.--

14 (1) The State Disbursement Unit is hereby created and
15 shall be operated by the Department of Revenue or by a
16 contractor responsible directly to the department. The State
17 Disbursement Unit shall be responsible for the collection and
18 disbursement of payments for:

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

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

26 (3) The State Disbursement Unit shall perform the
27 following functions:

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

30 (h) Receive and convert ~~child~~ support payments made in
31 foreign currency.

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

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

8 61.1825 State Case Registry.--

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

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

16 2. A temporary or final injunction for protection
17 against domestic violence has been granted pursuant to s.
18 741.30(6), an injunction for protection against domestic
19 violence has been issued by a court of a foreign state
20 pursuant to s. 741.315, or a temporary or final injunction for
21 protection against repeat violence has been granted pursuant
22 to s. 784.046; or

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

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

31 61.30 Child support guidelines; retroactive child

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1 support.--

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

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

6 1. Salary or wages.

7 2. Bonuses, commissions, allowances, overtime, tips,
8 and other similar payments.

9 3. Business income from sources such as
10 self-employment, partnership, close corporations, and
11 independent contracts. "Business income" means gross receipts
12 minus ordinary and necessary expenses required to produce
13 income.

14 4. Disability benefits.

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

16 6. Unemployment compensation.

17 7. Pension, retirement, or annuity payments.

18 8. Social security benefits.

19 9. Spousal support received from a previous marriage
20 or court ordered in the marriage before the court.

21 10. Interest and dividends.

22 11. Rental income, which is gross receipts minus
23 ordinary and necessary expenses required to produce the
24 income.

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

26 13. Reimbursed expenses or in kind payments to the
27 extent that they reduce living expenses.

28 14. Gains derived from dealings in property, unless
29 the gain is nonrecurring.

30 (12)(a) A parent with a support obligation may have
31 other children living with him or her who were born or adopted

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1 after the support obligation arose. If such subsequent
2 children exist, the court, when considering an upward
3 modification of an existing award, may disregard the income
4 from secondary employment obtained in addition to the parent's
5 primary employment if the court determines that the employment
6 was obtained primarily to support the subsequent children.

7 (b) Except as provided in paragraph (a), the existence
8 of such subsequent children should not as a general rule be
9 considered by the court as a basis for disregarding the amount
10 provided in the guidelines. The parent with a support
11 obligation for subsequent children may raise the existence of
12 such subsequent children as a justification for deviation from
13 the guidelines. However, if the existence of such subsequent
14 children is raised, the income of the other parent of the
15 subsequent children shall be considered by the court in
16 determining whether or not there is a basis for deviation from
17 the guideline amount.

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

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

24 61.30 Child support guidelines; retroactive child
25 support.--

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

29 1. Extraordinary medical, psychological, educational,
30 or dental expenses.

31 2. Independent income of the child, not to include

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1 moneys received by a child from supplemental security income.

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

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

6 5. The age of the child, taking into account the
7 greater needs of older children.

8 6. Special needs, such as costs that may be associated
9 with the disability of a child, that have traditionally been
10 met within the family budget even though the fulfilling of
11 those needs will cause the support to exceed the proposed
12 guidelines.

13 7. Total available assets of the obligee, obligor, and
14 the child.

15 8. The impact of the Internal Revenue Service
16 dependency exemption and waiver of that exemption. The court
17 may order the primary residential parent to execute a waiver
18 of the Internal Revenue Service dependency exemption if the
19 noncustodial parent is current in support payments.

20 9. When application of the child support guidelines
21 requires a person to pay another person more than 55 percent
22 of his or her gross income for a child support obligation for
23 current support resulting from a single support order.

24 10. The particular shared parental arrangement, such
25 as where the child spends a significant amount of time, but
26 less than 40 percent of the overnights, with the noncustodial
27 parent, thereby reducing the financial expenditures incurred
28 by the primary residential parent; or the refusal of the
29 noncustodial parent to become involved in the activities of
30 the child.

31 ~~11.10.~~ Any other adjustment which is needed to achieve

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1 an equitable result which may include, but not be limited to,
2 a reasonable and necessary existing expense or debt. Such
3 expense or debt may include, but is not limited to, a
4 reasonable and necessary expense or debt which the parties
5 jointly incurred during the marriage.

6 (b) Whenever a particular shared parental arrangement
7 provides that each child spend a substantial amount of time
8 with each parent, the court shall adjust any award of child
9 support, as follows based upon:

10 1. In accordance with subsections (9) and (10),
11 calculate the amount of support obligation apportioned to the
12 noncustodial parent without including day care and health
13 insurance costs in the calculation and multiply the amount by
14 1.5.

15 2. In accordance with subsections (9) and (10),
16 calculate the amount of support obligation apportioned to the
17 custodial parent without including day care and health
18 insurance costs in the calculation and multiply the amount by
19 1.5.

20 3. Calculate the percentage of overnight stays the
21 child spends with each parent.

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

26 5. Multiply the custodial parent's support obligation
27 as calculated in subparagraph 2. by the percentage of the
28 noncustodial parent's overnight stays with the child as
29 calculated in subparagraph 3.

30 6. The difference between the amounts calculated in
31 subparagraphs 4. and 5. shall be the monetary transfer

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1 necessary between the custodial and noncustodial parents for
2 the care of the child, subject to an adjustment for day care
3 and health insurance expenses.

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

9 8. Adjust the support obligation owed by the custodial
10 or noncustodial parent pursuant to subparagraph 6. by
11 crediting or debiting the amount calculated in subparagraph 7.
12 This amount represents the child support which must be
13 exchanged between the custodial and noncustodial parents.

14 9. The court may deviate from the child support amount
15 calculated pursuant to subparagraph 8. based upon the
16 considerations set forth in paragraph (a), as well as the
17 custodial parent's low income and ability to maintain the
18 basic necessities of the home for the child, the likelihood
19 that the noncustodial parent will actually exercise the
20 visitation granted by the court and whether all of the
21 children are exercising the same shared parental arrangement.

22 10. For purposes of adjusting any award of child
23 support under this paragraph, "substantial amount of time"
24 means that the noncustodial parent exercises visitation at
25 least 40 percent of the overnights of the year.

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

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

29 ~~3. The direct and indirect financial expenses for each~~
30 ~~child. For purposes of this subparagraph, "direct financial~~
31 ~~expenses" means any expenses which are incurred directly on~~

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1 ~~behalf of a child or in which a child directly participates,~~
2 ~~including, but not limited to, expenses relating to what a~~
3 ~~child eats or wears or schooling and extracurricular~~
4 ~~activities, and "indirect financial expenses" means any~~
5 ~~household expenses from which a child indirectly benefits,~~
6 ~~including, but not limited to, expenses relating to a~~
7 ~~mortgage, rent, utilities, automobile, and automobile~~
8 ~~insurance.~~

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

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

12 6. ~~The standard of living experienced by the entire~~
13 ~~family during the marriage.~~

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

15 (c) A noncustodial parent's failure to regularly
16 exercise court-ordered or agreed visitation not caused by the
17 custodial parent which resulted in the adjustment of the
18 amount of child support pursuant to paragraph (a)10. or
19 paragraph (b) shall be deemed a substantial change of
20 circumstances for purposes of modifying the child support
21 award. A modification pursuant to this paragraph shall be
22 retroactive to the date the noncustodial parent first failed
23 to regularly exercise court-ordered or agreed visitation.

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

26 69.041 State named party; lien foreclosure, suit to
27 quiet title.--

28 (4)(a) The Department of Revenue has the right to
29 participate in the disbursement of funds remaining in the
30 registry of the court after distribution pursuant to s.
31 45.031(7). The department shall participate in accordance with

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1 applicable procedures in any mortgage foreclosure action in
2 which the department has a duly filed tax warrant, or
3 interests under a lien arising from a judgment, order, or
4 decree for ~~child~~ support, as defined in s. 409.2554, against
5 the subject property and with the same priority, regardless of
6 whether a default against the department has been entered for
7 failure to file an answer or other responsive pleading.

8 (b) With respect to a duly filed tax warrant,
9 paragraph (a) applies only to mortgage foreclosure actions
10 initiated on or after July 1, 1994, and to those mortgage
11 foreclosure actions initiated before July 1, 1994, in which no
12 default has been entered against the Department of Revenue
13 before July 1, 1994. With respect to mortgage foreclosure
14 actions initiated based upon interests under a lien arising
15 from a judgment, order, or decree for ~~child~~ support, paragraph
16 (a) applies only to mortgage foreclosure actions initiated on
17 or after July 1, 1998, and to those mortgage foreclosure
18 actions initiated before July 1, 1998, in which no default has
19 been entered against the Department of Revenue before July 1,
20 1998.

21 Section 18. Paragraph (c) is added to subsection (14)
22 of section 120.80, Florida Statutes, to read:

23 120.80 Exceptions and special requirements;
24 agencies.--

25 (14) DEPARTMENT OF REVENUE.--

26 (c) Proceedings for administrative child support
27 orders.--Notwithstanding the provisions of s. 120.569 or s.
28 120.57 to the contrary, in proceedings for the establishment
29 of administrative support orders pursuant to s. 409.2563,
30 final orders in cases referred by the Department of Revenue to
31 the Division of Administrative Hearings shall be entered by

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1 the division's administrative law judge and transmitted to the
2 Department of Revenue for filing and indexing. The Department
3 of Revenue has the right to seek judicial review of a final
4 order entered by an administrative law judge. Administrative
5 support orders rendered pursuant to s. 409.2563 may be
6 enforced pursuant to s. 120.69 or, alternatively, by any
7 method prescribed by law for the enforcement of judicial
8 support orders, except contempt.

9 Section 19. Subsection (15) of section 213.053,
10 Florida Statutes, is amended to read:

11 213.053 Confidentiality and information sharing.--

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

28 Section 20. Section 231.097, Florida Statutes, is
29 amended to read:

30 231.097 Suspension or denial of teaching certificate
31 due to child support delinquency.--The department shall allow

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

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

18 320.05 Records of the department; inspection
19 procedure; lists and searches; fees.--

20 (2) Upon receipt of an application for the
21 registration of a motor vehicle or mobile home, as herein
22 provided for, the department shall register the motor vehicle
23 or mobile home under the distinctive number assigned to such
24 motor vehicle or mobile home by the department. Electronic
25 registration records shall be open to the inspection of the
26 public during business hours. Information on a motor vehicle
27 registration may not be made available to a person unless the
28 person requesting the information furnishes positive proof of
29 identification. The agency that furnishes a motor vehicle
30 registration record shall record the name and address of any
31 person other than a representative of a law enforcement agency

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

21 Section 22. Effective July 1, 2001, section 322.058,
22 Florida Statutes, is amended to read:

23 322.058 Suspension of driving privileges due to ~~child~~
24 support delinquency.--

25 (1) When the department receives notice from the Title
26 IV-D agency or depository or the clerk of the court that any
27 person licensed to operate a motor vehicle in the State of
28 Florida under the provisions of this chapter has a delinquent
29 ~~child support obligation~~ or has failed to comply with a
30 subpoena, order to appear, order to show cause, or similar
31 order, the department shall suspend the driver's license of

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1 the person named in the notice and the registration of all
2 motor vehicles owned by that person.

3 (2) The department must reinstate the driving
4 privilege and allow registration of a motor vehicle when the
5 Title IV-D agency in IV-D cases or the depository or the clerk
6 of the court in non-IV-D cases provides to the department an
7 affidavit stating that:

8 (a) The person has paid the delinquency;

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

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

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

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

20 (4) This section applies only to the annual renewal in
21 the owner's birth month of a motor vehicle registration and
22 does not apply to the transfer of a registration of a motor
23 vehicle sold by a motor vehicle dealer licensed under chapter
24 320, except for the transfer of registrations which is
25 inclusive of the annual renewals. This section does not affect
26 the issuance of the title to a motor vehicle, notwithstanding
27 s. 319.23(7)(b).

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

30 322.142 Color photographic or digital imaged
31 licenses.--

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1 (4) The department may maintain a film negative or
2 print file. The department shall maintain a record of the
3 digital image and signature of the licensees, together with
4 other data required by the department for identification and
5 retrieval. Reproductions from the file or digital record shall
6 be made and issued only for departmental administrative
7 purposes, for the issuance of duplicate licenses, ~~or~~ in
8 response to law enforcement agency requests, or to the
9 Department of Revenue pursuant to an interagency agreement to
10 facilitate service of process in Title IV-D cases, and are
11 exempt from the provisions of s. 119.07(1).

12 Section 24. Subsection (1) of section 328.42, Florida
13 Statutes, is amended to read:

14 328.42 Suspension or denial of a vessel registration
15 due to child support delinquency; dishonored checks.--

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

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1 Section 25. Subsections (7) and (10) of section
2 409.2554, Florida Statutes, are amended, and subsections (13)
3 and (14) are added to that section, to read:

4 409.2554 Definitions; ss. 409.2551-409.2598.--As used
5 in ss. 409.2551-409.2598, the term:

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

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

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

21 (b) Child support only in cases not being enforced by
22 the Department of Revenue ~~Support for a child who is placed~~
23 ~~under the custody of someone other than the custodial parent~~
24 ~~pursuant to s. 39.521, s. 39.522, s. 39.622, s. 39.623, or s.~~
25 ~~39.624.~~

26 (13) "Undistributable collection" means a support
27 payment received by the department which the department
28 determines cannot be distributed to the final intended
29 recipient.

30 (14) "Unidentifiable collection" means a payment
31 received by the department for which the noncustodial parent,

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1 custodial parent, depository or circuit civil numbers, or
2 source of the payment cannot be identified.

3 Section 26. Subsection (3) of section 409.2557,
4 Florida Statutes, is amended to read:

5 409.2557 State agency for administering child support
6 enforcement program.--

7 (3) SPECIFIC RULEMAKING AUTHORITY.--The department has
8 the authority to adopt rules pursuant to ss. 120.536(1) and
9 120.54 to implement all laws administered by the department in
10 its capacity as the Title IV-D agency for this state
11 including, but not limited to, the following:

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

14 (b) Confidentiality and retention of department
15 records; access to records; record requests;

16 (c) Department trust funds;

17 (d) Federal funding procedures;

18 (e) Agreements with law enforcement and other state
19 agencies; National Crime Information Center (NCIC) access;
20 Parent Locator Service access;

21 (f) Written agreements entered into between the
22 department and ~~child~~ support obligors in establishment,
23 enforcement, and modification proceedings;

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

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

31 (i) Department procedures for orders for genetic

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1 testing; subpoenas to establish, enforce, or modify orders;
2 increasing the amount of monthly obligations to secure
3 delinquent support; suspending or denying driver's and
4 professional licenses and certificates; fishing and hunting
5 license suspensions; suspending vehicle and vessel
6 registrations; screening applicants for new or renewal
7 licenses, registrations, or certificates; income deduction;
8 credit reporting and accessing; tax refund intercepts;
9 passport denials; liens; financial institution data matches;
10 expedited procedures; medical support; and all other
11 responsibilities of the department as required by state or
12 federal law;

13 (j) Collection and disbursement of ~~child~~ support and
14 alimony payments by the department as required by federal law;
15 collection of genetic testing costs and other costs awarded by
16 the court;

17 (k) Report information to and receive information from
18 other agencies and entities;

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

21 (m) Privatizing location, establishment, enforcement,
22 modification, and other functions;

23 (n) State case registry;

24 (o) State disbursement unit; and

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

27 Section 27. Section 409.25575, Florida Statutes, is
28 amended to read:

29 409.25575 ~~Child~~ Support enforcement; privatization.--

30 (1) It is the intent of the Legislature to encourage
31 the Department of Revenue to contract with private entities

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1 for the provision of ~~child~~ support enforcement services
2 whenever such contracting is cost-effective.

3 (2) The department shall contract for the delivery,
4 administration, or management of ~~child~~ support enforcement
5 activities and other related services or programs, when
6 appropriate. The department shall retain responsibility for
7 the quality of contracted services and programs and shall
8 ensure that services are delivered in accordance with
9 applicable federal and state statutes and regulations.

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

27 (b) The department shall establish and operate a
28 comprehensive system to measure and report annually the
29 outcomes and effectiveness of the services that have been
30 privatized. The department shall use these findings in making
31 recommendations to the Governor and the Legislature for future

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1 program and funding priorities in the ~~child~~ support
2 enforcement system.

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

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

12 Section 28. Effective October 1, 2001, section
13 409.2558, Florida Statutes, is amended to read:

14 409.2558 ~~Child~~ Support distribution and
15 disbursement.--

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

21 (2) UNDISTRIBUTABLE COLLECTIONS.--

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

25 (b) Collections that are determined to be
26 undistributable shall be processed in the following order of
27 priority:

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

30 2. Apply the payment to any administrative costs
31 ordered by the court pursuant to s. 409.2567 associated with

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1 the custodial parent's case; then
2 3. When the noncustodial parent is subject to a valid
3 order to support other children in another case with a
4 different custodial parent and the obligation is being
5 enforced by the department, the department shall, with the
6 noncustodial parent's permission, apply the payment towards
7 his or her other support obligation; then
8 4. Return the payment to the noncustodial parent; then
9 5. If the noncustodial parent cannot be located after
10 diligent efforts by the department, the federal share of the
11 payment shall be credited to the Federal Government and the
12 state share shall be transferred to the General Revenue Fund.
13 (c) Refunds to noncustodial parents that are
14 determined to be undistributable shall be processed in the
15 following manner:
16 1. The federal share of the refund shall be sent to
17 the Federal Government.
18 2. The state share shall be credited to the General
19 Revenue Fund.
20 (3) UNIDENTIFIABLE COLLECTIONS.--
21 (a) The department shall establish by rule the method
22 for determining a collection to be unidentifiable.
23 (b) Upon being determined to be unidentifiable, the
24 federal share of unidentifiable collections shall be credited
25 to the Federal Government and the state share shall be
26 transferred to the General Revenue Fund.
27 (4) RECLAIMING COLLECTIONS DECLARED TO BE
28 UNDISTRIBUTABLE OR UNIDENTIFIABLE.--At such time as an
29 undistributable or unidentifiable collection that has been
30 transferred to the Federal Government and to the General
31 Revenue Fund in the relevant method above becomes

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1 distributable or identified, meaning either the noncustodial
2 parent or the custodial parent is identified or located, the
3 department shall retrieve the transferred moneys in the
4 following manner:

5 (a) Offset the next credit to the Federal Government
6 in an amount equal to the share of the collection which had
7 been transferred; and

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

11
12 The collection shall then be processed, as appropriate.

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

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

31 (7) RULEMAKING AUTHORITY.--The department may adopt

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1 rules to administer this section. The department shall provide
2 a draft of the proposed concepts for the rule for the
3 undistributable collections to interested parties for review
4 and recommendations prior to full development of the rule and
5 initiating the formal rule-development process. The department
6 shall consider but is not required to implement the
7 recommendations. The department shall provide a report to the
8 President of the Senate and the Speaker of the House of
9 Representatives containing the recommendations received from
10 interested parties and the department's response regarding
11 incorporating the recommendations into the rule.

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

14 409.2561 ~~Child~~ Support obligations when public
15 assistance is paid; assignment of rights; subrogation; medical
16 and health insurance information.--

17 (1) Any payment of temporary cash or Title IV-E public
18 assistance money made to, or for the benefit of, any dependent
19 child creates an obligation in an amount determined pursuant
20 to the child support guidelines. In accordance with 42 U.S.C.
21 s. 657, the state shall retain amounts collected only to the
22 extent necessary to reimburse amounts paid to the family as
23 assistance by the state. Such amounts collected shall be
24 deposited into the General Revenue Fund up to the level
25 specified in s. 61.1812. If there has been a prior court order
26 or final judgment of dissolution of marriage establishing an
27 obligation of support, the obligation is limited to the amount
28 provided by such court order or decree. The extraordinary
29 remedy of contempt is applicable in child support enforcement
30 cases because of the public necessity for ensuring that
31 dependent children be maintained from the resources of their

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1 parents, thereby relieving, at least in part, the burden
2 presently borne by the general citizenry through the public
3 assistance program. If there is no prior court order
4 establishing an obligation of support, the court shall
5 establish the liability of the obligor, if any, by applying
6 the child support guidelines. The department may apply for
7 modification of a court order on the same grounds as either
8 party to the cause and shall have the right to settle and
9 compromise actions brought pursuant to law.

10 (2)(a) By accepting temporary cash assistance or Title
11 IV-E public assistance, the recipient assigns to the
12 department any right, title, and interest to support the
13 recipient may be owed:

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

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

21 3. At the time that the assignment becomes effective
22 by operation of law.

23 (b) The recipient of public assistance appoints the
24 department as her or his attorney in fact to act in her or his
25 name, place, and stead to perform specific acts relating to
26 the establishment of paternity or the establishment,
27 modification, or enforcement of support obligations,
28 including, but not limited to:

29 1. Endorsing any draft, check, money order, or other
30 negotiable instrument representing support payments which are
31 received on behalf of the dependent child as reimbursement for

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1 the public assistance moneys previously or currently paid;
2 2. Compromising claims;
3 3. Pursuing the establishment or modification of
4 support obligations;
5 4.3- Pursuing civil and criminal enforcement of
6 support obligations; and
7 5.4- Executing verified complaints for the purpose of
8 instituting an action for the determination of paternity of a
9 child born, or to be born, out of wedlock.
10 (3) The department shall be subrogated to the right of
11 the dependent child or person having the care, custody, and
12 control of the child to prosecute or maintain any support
13 action or action to determine paternity or execute any legal,
14 equitable, or administrative remedy existing under the laws of
15 the state to obtain reimbursement of temporary cash assistance
16 or Title IV-E public assistance paid, being paid, or to be
17 paid.
18 (5) With respect to cases for which there is an
19 assignment in effect ~~pursuant to this section:~~
20 (a) The IV-D agency shall obtain basic medical support
21 information for Medicaid recipients and applicants for
22 Medicaid and provide this information to the state Medicaid
23 agency for third-party liability purposes.
24 (b) When the obligor receives health insurance
25 coverage for the dependent child, the IV-D agency shall
26 provide health insurance policy information, including any
27 information available about the health insurance policy which
28 would permit a claim to be filed or, in the case of a health
29 maintenance or preferred provider organization, service to be
30 provided, to the state Medicaid agency.
31 (c) The state Medicaid agency, upon receipt of the

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1 health coverage information from the IV-D agency, shall notify
2 the obligor's insuring entity that the Medicaid agency must be
3 notified within 30 days when such coverage is discontinued.

4 (d) Entities providing health insurance as defined in
5 s. 624.603 and health maintenance organizations and prepaid
6 health clinics as defined in chapter 641 shall provide such
7 records and information as is necessary to accomplish the
8 purpose of this subsection, unless such requirement results in
9 an unreasonable burden.

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

17 Section 30. Section 409.2563, Florida Statutes, is
18 created to read:

19 409.2563 Pilot program for administrative
20 establishment of child-support obligations.--

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

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

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

31 (c) "Filed" means a document has been received and

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1 accepted for filing at the offices of the department by the
2 clerk or any authorized deputy clerk of the department. The
3 date of filing must be indicated on the face of the document
4 by the clerk or deputy clerk.

5 (d) "Rendered" means that a signed written order is
6 filed with the clerk or any deputy clerk of the department.
7 The date of filing must be indicated on the face of the order
8 at the time of rendition.

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

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

15
16 Other terms used in this section have the meanings ascribed in
17 ss. 409.2554 and 61.046.

18 (2) PURPOSE AND SCOPE.--

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

26 (b) The administrative procedure set forth in this
27 section concerns only the establishment of child-support
28 obligations. This section does not grant jurisdiction to the
29 department or the Division of Administrative Hearings to hear
30 or determine issues of dissolution of marriage, separation,
31 alimony or spousal support, termination of parental rights,

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1 dependency, disputed paternity, award of or change of custody,
2 or visitation. This paragraph notwithstanding, the department
3 and the Division of Administrative Hearings may make findings
4 of fact which are necessary for a proper determination of a
5 noncustodial parent's support obligation as authorized by this
6 section.

7 (c) If there is no support order for a child in a
8 Title IV-D case whose paternity has been established or is
9 presumed by law, the department may establish a noncustodial
10 parent's child-support obligation pursuant to this section, s.
11 61.30, and other relevant provisions of state law. The
12 noncustodial parent's obligation determined by the department
13 may include any obligation to pay retroactive support and any
14 obligation to provide for health care for a child, whether
15 through insurance coverage, reimbursement of expenses, or
16 both. The department may proceed on behalf of:

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

19 2. A former recipient of public assistance, as
20 provided by s. 409.2569;

21 3. An individual who has applied for services as
22 provided by s. 409.2567;

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

24 5. A state or local government of another state, as
25 provided by chapter 88.

26 (d) Either parent, or a caretaker relative if
27 applicable, may at any time file a civil action in a circuit
28 court having jurisdiction and proper venue to determine the
29 noncustodial parent's child support obligations, if any. A
30 support order issued by a circuit court prospectively
31 supersedes an administrative support order rendered by the

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1 department.

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

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

13 (a) The names of both parents, the name of the
14 caretaker relative, if any, and the name and date of birth of
15 the child or children;

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

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

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

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

30 (f) That the department will calculate support
31 obligations based on the child-support guidelines in s. 61.30

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1 and using all available information, as provided by paragraph
2 (5)(a), and will incorporate such obligations into a proposed
3 administrative support order;

4 (g) That the department will send by regular mail to
5 both parents, or parent and caretaker relative if applicable,
6 a copy of the proposed administrative support order, the
7 department's child-support worksheet, and any financial
8 affidavits submitted by a parent or prepared by the
9 department;

10 (h) That the noncustodial parent may file a request
11 for a hearing in writing within 20 days after the date of
12 mailing or other service of the proposed administrative
13 support order or will be deemed to have waived the right to
14 request a hearing;

15 (i) That if the noncustodial parent does not file a
16 timely request for hearing after service of the proposed
17 administrative support order, the department will issue an
18 administrative support order that incorporates the findings of
19 the proposed administrative support order, and will send by
20 regular mail a copy of the administrative support order to
21 both parents, or parent and caretaker relative if applicable;

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

25 (k) That after an administrative support order is
26 rendered, the department may enforce the administrative
27 support order by any lawful means; and

28 (l) That either parent, or caretaker relative if
29 applicable, may file at any time a civil action in a circuit
30 court having jurisdiction and proper venue to determine the
31 noncustodial parent's child-support obligations, if any, and

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1 that a support order issued by a circuit court supersedes an
2 administrative support order rendered by the department.

3
4 The department may serve the notice of proceeding to establish
5 administrative support order by certified mail, return receipt
6 requested. Alternatively, the department may serve the notice
7 by any means permitted for service of process in a civil
8 action. For purposes of this section, an authorized employee
9 of the department may serve the notice and execute an
10 affidavit of service. Service by certified mail is completed
11 when the certified mail is received or refused. The department
12 shall provide the custodial parent or caretaker relative with
13 a copy of the notice by regular mail to the last known address
14 of the custodial parent or caretaker.

15 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

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

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1 presumed for the purpose of establishing a support obligation
2 that the parent had an earning capacity equal to the federal
3 minimum wage during the applicable period.

4 (b) The department shall send by regular mail to both
5 parents, or to a parent and caretaker relative if applicable,
6 copies of the proposed administrative support order, its
7 completed child-support worksheet, and any financial
8 affidavits submitted by a parent or prepared by the
9 department. The proposed administrative support order must
10 contain the same elements as required for an administrative
11 support order under paragraph (7)(e).

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

15 1. The noncustodial parent may, within 20 days after
16 the date of mailing or other service of the proposed
17 administrative support order, request a hearing by filing a
18 written request for hearing in a form and manner specified by
19 the department;

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

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

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

30 5. The noncustodial parent may, within 10 days after
31 the date of mailing or other service of the proposed

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1 administrative support order, contact a department
2 representative, at the address or telephone number specified
3 in the notice, to informally discuss the proposed
4 administrative support order and, if informal discussions are
5 requested and held within a reasonable time, the time for
6 requesting a hearing will be extended until 10 days after the
7 department notifies the noncustodial parent that the informal
8 discussions have been concluded; and
9 6. If an administrative support order that establishes
10 a noncustodial parent's support obligation is rendered,
11 whether after a hearing or without a hearing, the department
12 may enforce the administrative support order by any lawful
13 means.
14 (d) If, after serving the proposed administrative
15 support order but before a final administrative support order
16 is rendered, the department receives additional information
17 that makes it necessary to amend the proposed administrative
18 support order, it shall prepare an amended proposed
19 administrative support order, with accompanying amended
20 child-support worksheets and other material necessary to
21 explain the changes, and follow the same procedures set forth
22 in paragraphs (b) and (c).
23 (6) HEARING.--If the noncustodial parent files a
24 timely request for hearing, the department shall refer the
25 hearing request to the Division of Administrative Hearings.
26 Unless otherwise provided by this section, chapter 120 and the
27 division's uniform rules shall govern the conduct of the
28 proceedings. The administrative law judge shall consider all
29 available and admissible information, and any presumptions
30 that apply as provided by paragraph (5)(a). A designated
31 employee or other representative of the department, who need

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1 not be an attorney, may represent the department as a
2 qualified representative at the hearing.
3 (7) ADMINISTRATIVE SUPPORT ORDER.--
4 (a) If a hearing is held, notwithstanding ss. 120.569
5 and 120.57, the administrative law judge of the Division of
6 Administrative Hearings shall issue an administrative support
7 order, or a final order denying an administrative support
8 order, which constitutes final agency action by the
9 department. The Division of Administrative Hearings shall
10 transmit any such order to the department for filing and
11 indexing.
12 (b) If the noncustodial parent does not file a timely
13 request for a hearing, the noncustodial parent will be deemed
14 to have waived the right to request a hearing.
15 (c) If the noncustodial parent waives the right to a
16 hearing, or consents in writing to the entry of an order
17 without a hearing, the department may render an administrative
18 support order.
19 (d) The department shall send by regular mail a copy
20 of the administrative support order, or the final order
21 denying an administrative support order, to both parents, or a
22 parent and caretaker relative if applicable. The noncustodial
23 parent shall be notified of the right to seek judicial review
24 of the administrative support order in accordance with s.
25 120.68.
26 (e) An administrative support order must comply with
27 s. 61.30. The department, after consultation with the Division
28 of Administrative Hearings and the chief judge of the circuit
29 in which the pilot program is located, shall develop a
30 standard form or forms for administrative support orders. An
31 administrative support order must provide and state findings,

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- 1 if applicable, concerning:
2 1. The full name and date of birth of the child or
3 children;
4 2. The name of the noncustodial parent and the
5 custodial parent or caretaker relative;
6 3. The noncustodial parent's duty and ability to
7 provide support;
8 4. The amount of the noncustodial parent's monthly
9 support obligation for each child;
10 5. Any obligation to pay retroactive support;
11 6. The noncustodial parent's obligation to provide for
12 the health care needs of each child, whether through insurance
13 coverage, contribution towards the cost of insurance coverage,
14 payment or reimbursement of health care expenses for the
15 child, or any combination thereof;
16 7. The beginning date of any required monthly payments
17 and health care coverage;
18 8. That all support payments ordered must be paid to
19 the Florida State Disbursement Unit as provided by s. 61.1824;
20 9. That the parents, or caretaker relative if
21 applicable, must file with the department when the
22 administrative support order is rendered, if they have not
23 already done so, and update as appropriate the information
24 required pursuant to paragraph (13)(b); and
25 10. That both parents, or parent and caretaker
26 relative if applicable, are required to promptly notify the
27 department of any change in their mailing addresses pursuant
28 to paragraph (13)(c).
29
30 An income-deduction order as provided by s. 61.1301 must be
31 incorporated into the administrative support order or, if not

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1 incorporated into the administrative support order, the
2 department shall render a separate income-deduction order.

3 (8) FILING WITH THE CLERK OF THE CIRCUIT COURT;
4 OFFICIAL PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.--The
5 department shall file with the clerk of the circuit court a
6 certified copy of an administrative support order rendered
7 under this section. The depository operated pursuant to s.
8 61.181 for the county where the administrative support order
9 has been filed shall:

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

12 (b) Establish and maintain the necessary payment
13 accounts;

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

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

18 (9) COLLECTION ACTION; ENFORCEMENT.--

19 (a) The department may implement an income-deduction
20 notice immediately upon rendition of an income-deduction
21 order, whether it is incorporated in the administrative
22 support order or rendered separately.

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

26 (c) In a subsequent proceeding to enforce an
27 administrative support order, notice of the proceeding that is
28 sent by regular mail to the person's address of record
29 furnished to the department constitutes adequate notice of the
30 proceeding pursuant to paragraph (13)(c).

31 (d) An administrative support order rendered under

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1 this section, until modified by the department or superseded
2 by a court order, may be enforced:

3 1. In any manner permitted for enforcement of a
4 support order issued by a court of this state, except for
5 contempt; or

6 2. Pursuant to s. 120.69.

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

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

17 (b) An administrative support order rendered under
18 this section may be enforced by any circuit court in the same
19 manner as a support order issued by the court, except for
20 contempt. If the circuit court issues its own order based on
21 the administrative support order, the circuit court may
22 enforce its own order by contempt. Enforcement by the court,
23 without any change by the court in the support obligations
24 established in the administrative support order, does not
25 supersede the administrative support order or affect the
26 department's authority to modify the administrative support
27 order as provided by subsection (12).

28 (c) A circuit court of this state, where venue is
29 proper and the court has jurisdiction of the parties, may
30 enter an order prospectively changing the support obligations
31 established in an administrative support order, in which case

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1 the administrative support order is superseded and the court's
2 order shall govern future proceedings in the case. Any unpaid
3 support owed under the superseded administrative support order
4 may not be retroactively modified by the circuit court, except
5 as provided by s. 61.14(1)(a), and remains enforceable by the
6 department, by the obligee, or by the court. In all cases in
7 which an administrative support order is superseded, the court
8 shall determine the amount of any unpaid support owed under
9 the administrative support order and shall include the amount
10 as arrearage in its superseding order.

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

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

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

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

23 (12) MODIFICATION OF ADMINISTRATIVE SUPPORT ORDER.--If
24 it has not been superseded by a subsequent court order, the
25 department may modify an administrative support order in a
26 Title IV-D case prospectively, subject to the requirements for
27 modifications of judicial support orders established in
28 chapters 61 and 409, by following the same procedures set
29 forth in this section for establishing an administrative
30 support order, as applicable.

31 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT

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1 TO ADDRESS OF RECORD.--In all proceedings pursuant to this
2 section:

3 (a) The noncustodial parent and custodial parent must
4 execute and furnish to the department, no later than 20 days
5 after receipt of the notice of proceeding to establish
6 administrative support order, a financial affidavit in the
7 form prescribed in the Florida Family Law Rules of Procedure.
8 An updated financial affidavit must be executed and furnished
9 to the department at the inception of each proceeding to
10 modify an administrative support order. Caretaker relatives
11 are not required to furnish financial affidavits.

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

27 (c) The noncustodial parent, custodial parent, and
28 caretaker relative, if applicable, have a continuing
29 obligation to promptly inform the department in writing of any
30 change in their mailing addresses to ensure receipt of all
31 subsequent pleadings, notices, payments, statements, and

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1 orders, and receipt is presumed if sent by regular mail to the
2 most recent address furnished by the person.

3 (14) JUDICIAL PLEADINGS AND MOTIONS.--A party to any
4 subsequent judicial proceeding concerning the support of the
5 same child or children shall affirmatively plead the existence
6 of, and furnish the court with a correct copy of, an
7 administrative support order rendered under this section, and
8 shall provide the department with a copy of the initial
9 pleading. The department may intervene as a matter of right in
10 any such judicial proceeding involving issues within the scope
11 of the Title IV-D case.

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

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

18 (17) PILOT PROGRAM.--For the purpose of identifying
19 measurable outcomes, the pilot program shall be located in a
20 county selected by the Department of Revenue having a
21 population of fewer than 500,000, in which the Title IV-D
22 caseload did not exceed 20,000 cases, and the obligation rate
23 was approximately 65 percent at the end of the 1999-2000
24 fiscal year. The Department of Revenue shall develop
25 measurable outcomes that at a minimum consist of the
26 department's support order establishment performance measures
27 that are applicable to this pilot program, a measure of the
28 effectiveness of the pilot program in establishing support
29 orders as compared to the judicial process, and a measure of
30 the cost-efficiency of the pilot program as compared to the
31 judicial process. The Department of Revenue and the Division

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1 of Administrative Hearings shall implement the pilot program
2 established by this section on July 1, 2001, or as soon
3 thereafter as practicable. The department shall use the
4 procedures of this section to establish support obligations in
5 Title IV-D cases on behalf of custodial parents or caretaker
6 relatives residing in the county selected for the pilot
7 program. By June 30, 2002, the Department of Revenue shall
8 submit a report on the implementation of the pilot program to
9 the Governor and Cabinet, the President of the Senate, and the
10 Speaker of the House of Representatives. The Office of Program
11 Policy Analysis and Government Accountability shall conduct an
12 evaluation of the operation and impact of the pilot program.
13 In evaluating the pilot program, achievement of the measurable
14 outcomes must be considered. The Office of Program Policy
15 Analysis and Government Accountability shall submit an
16 evaluation report on the pilot program by June 30, 2003 which
17 must include the findings of the evaluation, the feasibility
18 of a statewide program, and recommendations, if any, for
19 establishing a statewide program. The pilot program expires
20 June 30, 2004 unless continued by action of the Legislature.

21 Section 31. Paragraph (a) of subsection (8) and
22 subsections (10), (11), and (12) of section 409.2564, Florida
23 Statutes, are amended to read:

24 409.2564 Actions for support.--

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

29 (a) For the purpose of establishing or modifying a
30 child support order, or enforcing a ~~child~~ support order, the
31 director of this or another state's Title IV-D agency, or any

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1 employee designated by the director of this state's Title IV-D
2 agency or authorized under another state's law, may administer
3 oaths or affirmations, subpoena witnesses and compel their
4 attendance, take evidence and require the production of any
5 matter which is relevant to the ~~child~~ support ~~enforcement~~
6 action, including the existence, description, nature, custody,
7 condition, and location of any books, documents, or other
8 tangible things and the identity and location of persons
9 having knowledge of relevant facts or any other matter
10 reasonably calculated to lead to the discovery of material
11 evidence.

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

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

- 23 1. Pays the delinquency in full; or
24 2. Files a petition with the circuit court to contest
25 the delinquency action.

26 (11) For the purposes of denial, revocation, or
27 limitation of an individual's United States passport,
28 consistent with 42 U.S.C. s. 652(k)(1), the Title IV-D agency
29 shall have procedures to certify to the Secretary of the
30 United States Department of Health and Human Services, in the
31 format and accompanied by such supporting documentation as the

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1 secretary may require, a determination that an individual owes
2 arrearages of ~~child~~ support in an amount exceeding \$5,000.
3 Said procedures shall provide that the individual be given
4 notice of the determination and of the consequence thereof and
5 that the individual shall be given an opportunity to contest
6 the accuracy of the determination.

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

19 Section 32. Effective July 1, 2001, section 409.25645,
20 Florida Statutes, is amended to read:

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

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1 child. The administrative order shall state:

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

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

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

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

25 Section 33. Section 409.2565, Florida Statutes, is
26 amended to read:

27 409.2565 Publication of delinquent obligors.--For
28 support orders that are being enforced by the department, the
29 department may compile and make available for publication a
30 listing of cases in which payment of the ~~child~~ support
31 obligation is overdue. Each case on the list may be

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1 identified only by the name of the support obligor, the
2 support obligor's court order docket or case number, the
3 county in which the obligor's support order is filed, the
4 arrearage amount, and a photograph. The department need not
5 give prior notice to the obligor of the publication and
6 listing of cases.

7 Section 34. Subsection (1) and paragraph (a) of
8 subsection (7) of section 409.25656, Florida Statutes, are
9 amended to read:

10 409.25656 Garnishment.--

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

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

7 Section 35. Effective July 1, 2001, subsection (8) of
8 section 409.25656, Florida Statutes, is amended to read:

9 409.25656 Garnishment.--

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

21 Section 36. Subsection (5) of section 409.25657,
22 Florida Statutes, is amended to read:

23 409.25657 Requirements for financial institutions.--

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

28 Section 37. Section 409.25658, Florida Statutes, is
29 amended to read:

30 409.25658 Use of unclaimed property for past due ~~child~~
31 support.--

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1 (1) In a joint effort to facilitate the collection and
2 payment of past due ~~child~~ support, the Department of Revenue,
3 in cooperation with the Department of Banking and Finance,
4 shall identify persons owing ~~child~~ support collected through a
5 court who are presumed to have abandoned property held by the
6 Department of Banking and Finance.

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

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

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

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1 hearing, the department shall enter a final order instructing
2 the Department of Banking and Finance to transfer to the
3 department the property in the amount stated in the final
4 order. Upon such transfer, the Department of Banking and
5 Finance shall be released from further liability related to
6 the transferred property.

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

10 Section 38. Section 409.2567, Florida Statutes, is
11 amended to read:

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

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

18 Section 39. Paragraph (i) of subsection (1) and
19 subsections (3) and (4) of section 409.2572, Florida Statutes,
20 are amended, and subsection (5) is added to that section, to
21 read:

22 409.2572 Cooperation.--

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

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

28 (3) The Title IV-D staff of the department shall be
29 responsible for determining and reporting to the ~~Title IV-A~~
30 staff of the Department of Children and Family Services acts
31 of noncooperation by applicants or recipients of public cash

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

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

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

22 Section 40. Subsection (1) of section 409.2578,
23 Florida Statutes, is amended to read:

24 409.2578 Access to employment information;
25 administrative fine.--

26 (1) For the purpose of establishing paternity, ~~or~~
27 establishing a child-support obligation, ~~or~~ enforcing a ~~child~~
28 support obligation, all persons in this state, including
29 for-profit, not-for-profit, and governmental employers or
30 contractors, shall, upon written request from the IV-D agency
31 for information concerning an individual employee of such

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1 person, provide to the IV-D agency of this state or its
2 designee or to the Title IV-D agency of any other state or its
3 designee information on the employment, compensation, and
4 benefits of any employee who has a liability to pay ~~child~~
5 support and is delinquent or who has a potential liability.
6 The IV-D agency may also make such a request for the purpose
7 of modifying a child support obligation after an unsuccessful
8 attempt to obtain the information from either party. The
9 information requested shall be provided within 30 days of
10 receipt of the written request. The Title IV-D agency of this
11 state is authorized to impose a fine for failure to respond to
12 its request.

13 Section 41. Subsections (1) and (2) of section
14 409.2579, Florida Statutes, are amended to read:

15 409.2579 Safeguarding Title IV-D case file
16 information.--

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

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

27 (b) Any investigation, prosecution, or criminal or
28 civil proceeding connected with the administration of any such
29 plan or program;

30 (c) The administration of any other federal or
31 federally assisted program which provides service or

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1 assistance, in cash or in kind, directly to individuals on the
2 basis of need;

3 (d) Reporting to an appropriate agency or official,
4 information on known or suspected instances of physical or
5 mental injury, child abuse, sexual abuse or exploitation, or
6 negligent treatment or maltreatment of a child who is the
7 subject of a ~~child~~ support enforcement activity under
8 circumstances which indicate that the child's health or
9 welfare is threatened thereby; and

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

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

17 Section 42. Section 409.2591, Florida Statutes, is
18 repealed.

19 Section 43. Subsection (2) of section 409.2594,
20 Florida Statutes, is amended to read:

21 409.2594 Record requirements.--The department shall
22 keep the records necessary to evaluate the effectiveness of
23 the program. At a minimum, the records shall include:

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

26 Section 44. Subsections (1), (2), and (3) of section
27 409.2598, Florida Statutes, are amended to read:

28 409.2598 Suspension or denial of new or renewal
29 licenses; registrations; certifications.--

30 (1) The Title IV-D agency may petition the court that
31 entered the support order or the court that is enforcing the

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1 support order to deny or suspend the license, registration, or
2 certificate issued under chapter 231, chapter 370, chapter
3 372, chapter 409, chapter 455, chapter 456, chapter 559, s.
4 328.42, or s. 597.010 of any obligor with a delinquent ~~child~~
5 support obligation or who fails, after receiving appropriate
6 notice, to comply with subpoenas, orders to appear, orders to
7 show cause, or similar orders relating to paternity or ~~child~~
8 support proceedings. However, a petition may not be filed
9 until the Title IV-D agency has exhausted all other available
10 remedies. The purpose of this section is to promote the public
11 policy of the state as established in s. 409.2551.

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

29 (3) The Title IV-D agency shall give notice to any
30 obligor who is an applicant for a new or renewal license or
31 certificate or the holder of a current license or certificate

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

15 Section 45. Paragraph (a) of subsection (5) of section
16 414.065, Florida Statutes, is amended to read:

17 414.065 Noncompliance with work requirements.--

18 (5) WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL
19 PARENTS.--

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

27
28 If a noncustodial parent fails to comply with the case plan,
29 the noncustodial parent may be removed from program
30 participation.

31 Section 46. Subsection (8) of section 414.095, Florida

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1 Statutes, is amended to read:

2 414.095 Determining eligibility for temporary cash
3 assistance.--

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

12 Section 47. Subsection (1) of section 414.32, Florida
13 Statutes, is amended to read:

14 414.32 Prohibitions and restrictions with respect to
15 food stamps.--

16 (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT
17 AGENCY.--

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

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1 obtains written authorization from the United States
2 Department of Agriculture approving such arrangements.

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

13 Section 48. Effective July 1, 2001, paragraph (d) is
14 added to subsection (11) of section 440.20, Florida Statutes,
15 to read:

16 440.20 Time for payment of compensation; penalties for
17 late payment.--

18 (11)

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

24 Section 49. Effective July 1, 2001, section 440.22,
25 Florida Statutes, is amended to read:

26 440.22 Assignment and exemption from claims of
27 creditors.--No assignment, release, or commutation of
28 compensation or benefits due or payable under this chapter
29 except as provided by this chapter shall be valid, and such
30 compensation and benefits shall be exempt from all claims of
31 creditors, and from levy, execution and attachments or other

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1 remedy for recovery or collection of a debt, which exemption
2 may not be waived. However, the exemption of workers'
3 compensation claims from creditors does not extend to claims
4 based on an award of child support or spousal support.

5 Section 50. Paragraphs (b) and (c) of subsection (1)
6 and subsection (3) of section 443.051, Florida Statutes, are
7 amended to read:

8 443.051 Benefits not alienable; exception, child
9 support intercept.--

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

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

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

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

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

30 (b) The division shall deduct and withhold from any
31 unemployment compensation otherwise payable to an individual

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1 who owes ~~child~~ support obligations:

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

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

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

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

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

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

26 Section 51. Subsection (9) of section 455.203, Florida
27 Statutes, is amended to read:

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

30 (9) Allow applicants for new or renewal licenses and
31 current licensees to be screened by the Title IV-D child

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1 support agency pursuant to s. 409.2598 to assure compliance
2 with a support obligation. The purpose of this subsection is
3 to promote the public policy of this state as established in
4 s. 409.2551. The department shall, when directed by the court,
5 suspend or deny the license of any licensee found to have a
6 delinquent support obligation, as defined in s. 409.2554. The
7 department shall issue or reinstate the license without
8 additional charge to the licensee when notified by the court
9 that the licensee has complied with the terms of the court
10 order. The department shall not be held liable for any license
11 denial or suspension resulting from the discharge of its
12 duties under this subsection.

13 Section 52. Subsection (9) of section 456.004, Florida
14 Statutes, is amended to read:

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

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

31 Section 53. Subsection (3) of section 559.79, Florida

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1 Statutes, is amended to read:

2 559.79 Applications for license or renewal.--

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

17 Section 54. Effective July 1, 2001, subsection (2) of
18 section 742.12, Florida Statutes, is amended to read:

19 742.12 Scientific testing to determine paternity.--

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

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1 tests be conducted by a qualified technical laboratory.

2 Section 55. Subsection (5) of section 943.053, Florida
3 Statutes, is amended to read:

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

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

18 Section 56. The Office of Program Policy Analysis and
19 Government Accountability, in consultation with the
20 substantive legislative committee, through its staff or by
21 contract with a vendor, is directed to study and analyze case
22 data and court proceedings, chosen through a statistically
23 valid random sample of child support enforcement cases in both
24 Title IV-D and non-Title IV-D cases, on the application of and
25 deviations from the child support guidelines set forth in
26 section 61.30, Florida Statutes. The office shall report its
27 findings to the Governor, the President of the Senate, the
28 Speaker of the House of Representatives, and the Chief Justice
29 of the Supreme Court no later than January 31, 2002.

30 Section 57. Except as otherwise expressly provided in
31 this act, this act shall take effect upon becoming a law.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 remove from the title of the bill: the entire title

4

5 and insert in lieu thereof:

6

A bill to be entitled

7

An act relating to child support enforcement;

8

amending ss. 61.11, 61.13, 61.13015, 61.13016,

9

61.181, 61.1824, 328.42, 409.2557, 409.25575,

10

409.2561, 409.2564, 409.2565, 409.25657,

11

409.25658, 409.2567, 409.2578, 409.2579,

12

409.2594, 409.2598, 414.095, 443.051, F.S.;

13

deleting reference to child support and

14

providing reference to support; amending ss.

15

69.041, 213.053, 231.097, 320.05, 328.42,

16

414.065, 455.203, 456.004, 559.79, 943.053,

17

F.S.; including reference to the definition of

18

support; amending s. 24.115, F.S.; including

19

spousal support or alimony for the former

20

spouse of an obligor if child support is being

21

enforced by the Department of Revenue among a

22

list of items that must be paid prior to the

23

award of certain prizes; amending s. 61.046,

24

F.S.; redefining the term "support order";

25

defining the term "support"; amending s.

26

61.1301, F.S.; prescribing the time within

27

which an order of income deduction may be

28

entered after an order establishing or

29

modifying support; providing for the court to

30

request that an income-deduction order reflect

31

the payment cycle of the payor; amending s.

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1 61.13016, F.S.; requiring that any costs and
2 fees associated with delinquency be paid to
3 prevent suspension of a driver's license;
4 repealing s. 61.1307, F.S., relating to the
5 collection of motor vehicle impact fee refunds
6 for child support; amending s. 61.1354, F.S.;
7 revising provisions with respect to the sharing
8 of information between consumer reporting
9 agencies and the Title IV-D agency; amending s.
10 61.14, F.S.; including reference to the State
11 Disbursement Unit with respect to support
12 payments; amending s. 61.14, F.S.; providing
13 for retroactive increase or decrease in
14 support, maintenance, or alimony; providing
15 requirements for judges of compensation claims
16 with respect to settlement of a lump-sum
17 payment; specifying the delinquency amount for
18 which notice to the obligor is required;
19 amending s. 61.1825, F.S.; revising provisions
20 with respect to the state case registry to
21 include additional provisions requiring the
22 placement of a family violence indicator in the
23 record; amending s. 61.30, F.S.; redefining the
24 term "gross income" with respect to child
25 support guidelines; authorizing the court to
26 adjust the minimum child support award based on
27 consideration of the particular shared parental
28 arrangement; specifying procedure for
29 adjustment of any award of child support when
30 the particular shared parental arrangement
31 provides that each child spend a substantial

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1 amount of time with each parent; specifying
2 circumstances under which failure of a
3 noncustodial parent to exercise visitation may
4 trigger modification of the child support
5 award; providing for retroactive application of
6 such modified support award; prescribing
7 conditions under which income from secondary
8 employment may be disregarded in modifying an
9 existing award; amending s. 120.80, F.S.;
10 providing for proceedings for administrative
11 child support orders under the Department of
12 Revenue; amending s. 322.058, F.S.; including
13 additional provisions requiring the suspension
14 of a drivers' license for failure to comply
15 with a subpoena, order to appear, order to show
16 cause, or similar order with respect to a
17 delinquent support obligation; amending s.
18 322.142, F.S.; including an additional reason
19 that reproductions of records with respect to
20 drivers' licenses may be sent from the
21 Department of Highway Safety and Motor
22 Vehicles; amending s. 328.42, F.S.; authorizing
23 the Department of Highway Safety and Motor
24 Vehicles to allow the Department of Revenue to
25 screen applicants for new or renewal vessel
26 registrations to assure compliance with an
27 obligation for support; amending s. 409.2554,
28 F.S.; redefining the term "public assistance"
29 and "support"; defining the terms
30 "undistributable collection" and
31 "unidentifiable collection"; amending s.

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1 409.2558, F.S.; revising provisions with
2 respect to support distribution and
3 disbursement to include reference to
4 undistributable collections and unidentifiable
5 collections; providing rulemaking authority;
6 providing for review prior to the formal
7 rule-development process; providing for a
8 report to the Legislature; amending s.
9 409.2561, F.S.; deleting reference to public
10 assistance and including reference to temporary
11 cash or Title IV-E assistance; creating s.
12 409.2563, F.S.; creating a pilot program for
13 the administrative establishment of
14 child-support obligations; providing
15 definitions; providing legislative intent with
16 respect to an alternative procedure for
17 establishing child support obligations in
18 certain cases; authorizing the Department of
19 Children and Family Services to establish an
20 administrative support order; providing
21 procedures; providing notice requirements;
22 providing for a hearing conducted by the
23 Division of Administrative Hearings; providing
24 that a final order by an administrative law
25 judge constitutes final agency action;
26 providing for collection and enforcement of an
27 administrative support order; providing for
28 judicial review and a prospective change in the
29 support obligation; providing for disclosures
30 and a presumption of receipt of certain
31 notices, payments, and orders; authorizing the

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1 department to adopt rules; providing
2 requirements for establishing the pilot
3 program; providing for expiration of the pilot
4 program; amending s. 409.2564, F.S.; revising
5 provisions with respect to actions for support;
6 amending s. 409.25645, F.S.; revising
7 provisions with respect to administrative
8 orders for genetic testing; amending s.
9 409.25656, F.S.; revising provisions with
10 respect to garnishment; amending s. 409.2572,
11 F.S.; including reference to public assistance
12 with respect to certain acts of noncooperation;
13 amending s. 409.2578, F.S.; revising provisions
14 with respect to access to employment
15 information for enforcing support obligations;
16 repealing s. 409.2591, F.S.; relating to
17 unidentifiable moneys held in a special
18 account; amending s. 414.32, F.S.; revising
19 provisions with respect to certain food stamp
20 programs; amending s. 440.20, F.S.; revising
21 provisions with respect to lump-sum payments
22 under workers compensation; amending s. 440.22,
23 F.S.; providing that exemption of workers'
24 compensation claims from creditors does not
25 extend to claims based on an award of child
26 support or alimony; amending s. 742.12, F.S.;
27 revising provisions with respect to scientific
28 testing to determine paternity; providing for a
29 case analysis; providing effective dates.
30
31