

By the Committee on Judicial Oversight and Representative
Crow

1 A bill to be entitled
2 An act relating to child support enforcement;
3 amending ss. 61.11, 61.13, 61.13015, 61.13016,
4 61.13017, 61.181, 61.1824, 409.2557, 409.25575,
5 409.2561, 409.2564, 409.2565, 409.25657,
6 409.2567, 409.2578, 409.2579, 409.2594,
7 409.2598, 414.095, and 443.051, F.S.; deleting
8 reference to child support and providing
9 reference to support; amending ss. 69.041,
10 213.053, 231.097, 320.05, 328.42, 414.065,
11 455.203, 456.004, 559.79, and 943.053, F.S.;
12 including reference to the definition of
13 support; amending s. 24.115, F.S.; including
14 spousal support or alimony for former spouse of
15 an obligor if child support is being enforced
16 by the Department of Revenue among a list of
17 items which must be paid prior to the award of
18 certain prizes; amending s. 61.046, F.S.;
19 redefining the term "support order"; defining
20 the term "support"; amending s. 61.1301, F.S.;
21 revising language with respect to income
22 deduction orders to provide for such orders
23 under certain circumstances; amending s.
24 61.1354, F.S.; revising language with respect
25 to the sharing of information between consumer
26 reporting agencies and the Title IV-D agency;
27 amending s. 61.14, F.S.; including reference to
28 the State Disbursement Unit with respect to
29 support payments; amending s. 61.14, F.S.;
30 authorizing the court to modify an order for
31 child support, maintenance, or alimony

1 retroactive to the date of the filing of the
2 action; providing an exception; providing
3 requirements for judges of compensation claims
4 with respect to settlement of a lump-sum
5 payment; amending s. 61.1825, F.S.; revising
6 language with respect to the state case
7 registry to include additional provisions
8 requiring the placement of a family violence
9 indicator in the record; amending s. 61.30,
10 F.S.; redefining the term "gross income" with
11 respect to child support guidelines;
12 authorizing the court to adjust the minimum
13 child support award based on consideration of
14 the particular shared parental arrangement;
15 specifying procedure for adjustment of any
16 award of child support when the particular
17 shared parental arrangement provides that each
18 child spend a substantial amount of time with
19 each parent; specifying circumstances under
20 which failure of a noncustodial parent to
21 exercise visitation may trigger modification of
22 the child support award; providing for
23 retroactive application of such modified
24 support award; amending s. 120.80, F.S.;
25 providing for proceedings for administrative
26 child support orders under the Department of
27 Revenue; amending s. 322.058, F.S.; including
28 additional provisions requiring the suspension
29 of a drivers' license for failure to comply
30 with a subpoena, order to appear, order to show
31 cause, or similar order with respect to a

1 delinquent support obligation; amending s.
2 322.142, F.S.; including an additional reason
3 that reproductions of records with respect to
4 drivers' licenses may be sent from the
5 Department of Highway Safety and Motor
6 Vehicles; amending s. 328.42, F.S.; authorizing
7 the Department of Highway Safety and Motor
8 Vehicles to allow the Department of Revenue to
9 screen applicants for new or renewal vessel
10 registrations to assure compliance with an
11 obligation for support; amending s. 409.2554,
12 F.S.; redefining the terms "public assistance"
13 and "support"; defining the terms
14 "undistributable collection" and
15 "unidentifiable collection"; amending s.
16 409.2558, F.S.; revising language with respect
17 to support distribution and disbursement to
18 include reference to undistributable
19 collections and unidentifiable collections;
20 providing for the disbursement of support
21 payments; creating s. 409.2563, F.S.; providing
22 for a pilot program for administrative
23 establishment of child support obligations;
24 amending s. 409.2564, F.S.; revising language
25 with respect to actions for support; amending
26 s. 409.25645, F.S.; revising language with
27 respect to administrative orders for genetic
28 testing; amending s. 409.25656, F.S.;
29 clarifying language with respect to
30 garnishment; amending s. 409.2572, F.S.;
31 including reference to public assistance with

1 respect to certain acts of noncooperation;
2 amending s. 409.2578, F.S.; revising language
3 with respect to access to employment
4 information for enforcing support obligations;
5 repealing s. 409.2591, F.S., relating to
6 unidentifiable moneys held in a special
7 account; amending s. 414.065, F.S., relating to
8 work activity requirements for noncustodial
9 parents; amending s. 414.32, F.S.; revising
10 language with respect to certain food stamp
11 programs; amending s. 440.20, F.S.; revising
12 language with respect to lump-sum payments
13 under workers compensation; amending s. 440.22,
14 F.S.; providing that exemption of workers'
15 compensation claims from creditors does not
16 extend to claims based on an award of child
17 support or alimony; amending s. 742.12, F.S.;
18 revising language with respect to scientific
19 testing to determine paternity; providing for a
20 case analysis; providing effective dates.

21

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

23

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

26 24.115 Payment of prizes.--

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

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

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

21 61.046 Definitions.--As used in this chapter:

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

1 is living which provides for monetary support, health care,
2 arrearages, or past support.

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

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

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

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

12 61.11 Writs.--

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

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

27 61.13 Custody and support of children; visitation
28 rights; power of court in making orders.--

29 (9)(a) Beginning July 1, 1997, each party to any
30 paternity or ~~child~~ support proceeding is required to file with
31 the tribunal as defined in s. 88.1011(22) and State Case

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

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

12 61.1301 Income deduction orders.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 2. Pays any applicable delinquency fees.
31

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

5 Section 8. Section 61.13017, Florida Statutes, is
6 amended to read:

7 61.13017 Withholding refund of motor vehicle impact
8 fee.--The Department of Revenue must notify the Department of
9 Banking and Finance of the names of delinquent ~~child~~ support
10 obligors and the amount of the delinquencies. If a delinquent
11 ~~child~~ support obligor is entitled to receive a refund of the
12 motor vehicle impact fee from the state, the Department of
13 Banking and Finance must, upon such notice, withhold the
14 amount of the delinquency from the refund to that obligor.
15 The Department of Banking and Finance shall notify the
16 obligors that their refund is being withheld pursuant to this
17 section for the purpose of paying the obligor's delinquent
18 ~~child~~ support obligations. The Department of Banking and
19 Finance must transmit the amount withheld to the Department of
20 Revenue to be applied to the delinquent ~~child~~ support
21 obligation and transmit the balance, if any, to the delinquent
22 obligor.

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

25 61.1354 Sharing of information between consumer
26 reporting agencies and the IV-D agency.--

27 (2) The IV-D agency shall report periodically to
28 appropriate consumer ~~credit~~ reporting agencies, as identified
29 by the IV-D agency, the name and social security number of any
30 delinquent obligor and the amount of overdue support owed by
31 the obligor. The IV-D agency, or its designee, shall provide

1 the obligor with written notice, at least 15 days prior to the
2 initial release of information, of the IV-D agency's authority
3 to release the information periodically to the consumer
4 reporting agencies. The notice shall state the amount of
5 overdue support owed and shall inform the obligor of the right
6 to request a hearing with the IV-D agency within 15 days after
7 receipt of the notice ~~or the court in non-Title-IV-D cases~~ to
8 contest the accuracy of the information. After the initial
9 notice is given, no further notice or opportunity for a
10 hearing need be given when updated information concerning the
11 same obligor is periodically released to the consumer
12 reporting agencies.

13 (3) For purposes of determining an individual's income
14 and establishing an individual's capacity to make ~~child~~
15 support payments or for determining the appropriate amount of
16 child support ~~such~~ payment to be made by the individual,
17 consumer reporting agencies shall provide, upon request,
18 consumer reports to the head of the IV-D agency pursuant to s.
19 604 of the Fair Credit Reporting Act, provided that the head
20 of the IV-D agency, or its designee, certifies that:

21 (a) The consumer report is needed for the purpose of
22 determining an individual's income and establishing an
23 individual's capacity to make ~~child~~ support payments or
24 determining the appropriate amount of child support ~~such~~
25 payment to be made by the individual;

26 (b) Paternity of the child of the individual whose
27 report is sought, if that individual is the father of the
28 child, has been established or acknowledged pursuant to the
29 laws of Florida;

30 (c) The individual whose report is sought was provided
31 with at least 15 days' prior notice, by certified or

1 registered mail to the individual's last known address, that
2 the report was requested; and

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

5 Section 10. Paragraphs (a), (b), and (d) of subsection
6 (6) of section 61.14, Florida Statutes, are amended to read:

7 61.14 Enforcement and modification of support,
8 maintenance, or alimony agreements or orders.--

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

23 2. A certified statement by the local depository
24 evidencing a delinquency in support payments constitute
25 evidence of the final judgment under this paragraph.

26 3. The judgment under this paragraph is a final
27 judgment as to any unpaid payment or installment of support
28 which has accrued up to the time either party files a motion
29 with the court to alter or modify the support order, and such
30 judgment may not be modified by the court. The court may
31 modify such judgment as to any unpaid payment or installment

1 of support which accrues after the date of the filing of the
2 motion to alter or modify the support order. This
3 subparagraph does not prohibit the court from providing relief
4 from the judgment pursuant to Rule 1.540, Florida Rules of
5 Civil Procedure.

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

11 a. The delinquency and its amount.

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

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

19 d. The local depository's authority to release
20 information regarding the delinquency to one or more credit
21 reporting agencies.

22 2. The local depository shall serve the notice by
23 mailing it by first class mail to the obligor at his or her
24 last address of record with the local depository. If the
25 obligor has no address of record with the local depository,
26 service shall be by publication as provided in chapter 49.

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

29 (d) The court shall hear the obligor's motion to
30 contest the impending judgment within 15 days after the date
31 of the filing of the motion. Upon the court's denial of the

1 obligor's motion, the amount of the delinquency and all other
2 amounts which thereafter become due, together with costs and a
3 fee of \$5, become a final judgment by operation of law against
4 the obligor. The depository shall charge interest at the rate
5 established in s. 55.03 on all judgments for ~~child~~ support.

6 Section 11. Effective July 1, 2001, paragraph (a) of
7 subsection (1) and subsection (8) of section 61.14, Florida
8 Statutes, are amended to read:

9 61.14 Enforcement and modification of support,
10 maintenance, or alimony agreements or orders.--

11 (1)(a) When the parties enter into an agreement for
12 payments for, or instead of, support, maintenance, or alimony,
13 whether in connection with a proceeding for dissolution or
14 separate maintenance or with any voluntary property
15 settlement, or when a party is required by court order to make
16 any payments, and the circumstances or the financial ability
17 of either party changes or the child who is a beneficiary of
18 an agreement or court order as described herein reaches
19 majority after the execution of the agreement or the rendition
20 of the order, either party may apply to the circuit court of
21 the circuit in which the parties, or either of them, resided
22 at the date of the execution of the agreement or reside at the
23 date of the application, or in which the agreement was
24 executed or in which the order was rendered, for an order
25 decreasing or increasing the amount of support, maintenance,
26 or alimony, and the court has jurisdiction to make orders as
27 equity requires, with due regard to the changed circumstances
28 or the financial ability of the parties or the child,
29 decreasing, increasing, or confirming the amount of separate
30 support, maintenance, or alimony provided for in the agreement
31 or order. A finding that medical insurance is reasonably

1 available or the child support guidelines in s. 61.30 may
2 constitute changed circumstances. Except as otherwise provided
3 in s. 61.30(11)(c), the court may modify, upward or downward,
4 an order of support, maintenance, or alimony retroactive to
5 the date of the filing of the action as equity requires.

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

12 (b) In accordance with ~~Notwithstanding~~ the provisions
13 of s. 440.22, any compensation due or that may become due an
14 employee under chapter 440 is exempt from garnishment,
15 attachment, execution, and assignment of income, except for
16 the purposes of enforcing child or spousal support
17 obligations.

18 Section 12. The catchline to section 61.181, Florida
19 Statutes, is amended to read:

20 61.181 Depository for alimony transactions, support,
21 maintenance, and ~~child~~ support payments; fees.--

22 Section 13. Paragraph (a) of subsection (1) and
23 paragraphs (g), (h), and (m) of subsection (3) of section
24 61.1824, Florida Statutes, are amended to read:

25 61.1824 State Disbursement Unit.--

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

31

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

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

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

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

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

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

16 61.1825 State Case Registry.--

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

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

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

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

6 Section 15. Effective July 1, 2001, paragraph (a) of
7 subsection (2) and subsection (11) of section 61.30, Florida
8 Statutes, are amended to read:

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

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

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

15 1. Salary or wages.

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

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

23 4. Disability benefits.

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

25 6. Unemployment compensation.

26 7. Pension, retirement, or annuity payments.

27 8. Social security benefits.

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

30 10. Interest and dividends.

31

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

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

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

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

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

12 1. Extraordinary medical, psychological, educational,
13 or dental expenses.

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

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

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

20 5. The age of the child, taking into account the
21 greater needs of older children.

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

27 7. Total available assets of the obligee, obligor, and
28 the child.

29 8. The impact of the Internal Revenue Service
30 dependency exemption and waiver of that exemption. The court
31 may order the primary residential parent to execute a waiver

1 of the Internal Revenue Service dependency exemption if the
2 noncustodial parent is current in support payments.

3 9. When application of the child support guidelines
4 requires a person to pay another person more than 55 percent
5 of his or her gross income for a child support obligation for
6 current support resulting from a single support order.

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

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

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

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

29 2. In accordance with subsections (9) and (10),
30 calculate the amount of support obligation apportioned to the
31 custodial parent without including day care and health

1 insurance costs in the calculation and multiply the amount by
2 1.5.

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

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

9 5. Multiply the custodial parent's support obligation
10 as calculated in subparagraph 2. by the percentage of the
11 noncustodial parent's overnight stays with the child as
12 calculated in subparagraph 3.

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

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

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

28 9. The court may deviate from the child support amount
29 calculated pursuant to subparagraph 8. based upon the
30 considerations set forth in paragraph (a), as well as the
31 likelihood that the noncustodial parent will actually exercise

1 the visitation granted by the court and whether all of the
2 children are exercising the same shared parental arrangement.

3 10. For purposes of adjusting any award of child
4 support under this paragraph, "substantial amount of time"
5 means that the noncustodial parent exercises visitation at
6 least 40 percent of the overnights of the year.

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

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

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

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

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

24 ~~6. The standard of living experienced by the entire~~
25 ~~family during the marriage.~~

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

27 (c) A noncustodial parent's failure to regularly
28 exercise court-ordered or agreed visitation not caused by the
29 custodial parent which resulted in the adjustment of the
30 amount of child support pursuant to paragraph (a) or paragraph
31 (b) shall be deemed a substantial change of circumstances for

1 purposes of modifying the child support award. A modification
2 pursuant to this paragraph shall be retroactive to the date
3 the noncustodial parent first failed to regularly exercise
4 court-ordered or agreed visitation.

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

7 69.041 State named party; lien foreclosure, suit to
8 quiet title.--

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

20 (b) With respect to a duly filed tax warrant,
21 paragraph (a) applies only to mortgage foreclosure actions
22 initiated on or after July 1, 1994, and to those mortgage
23 foreclosure actions initiated before July 1, 1994, in which no
24 default has been entered against the Department of Revenue
25 before July 1, 1994. With respect to mortgage foreclosure
26 actions initiated based upon interests under a lien arising
27 from a judgment, order, or decree for ~~child~~ support, paragraph
28 (a) applies only to mortgage foreclosure actions initiated on
29 or after July 1, 1998, and to those mortgage foreclosure
30 actions initiated before July 1, 1998, in which no default has
31

1 | been entered against the Department of Revenue before July 1,
2 | 1998.

3 | Section 17. Paragraph (c) is added to subsection (14)
4 | of section 120.80, Florida Statutes, to read:

5 | 120.80 Exceptions and special requirements;
6 | agencies.--

7 | (14) DEPARTMENT OF REVENUE.--

8 | (c) Proceedings for administrative child support
9 | orders.--Notwithstanding the provisions of s. 120.569 or s.
10 | 120.57 to the contrary, in proceedings for the establishment
11 | of administrative support orders pursuant to s. 409.2563,
12 | final orders in cases referred by the Department of Revenue to
13 | the Division of Administrative Hearings shall be entered by
14 | the division's administrative law judge and transmitted to the
15 | Department of Revenue for filing and indexing. The Department
16 | of Revenue has the right to seek judicial review of a final
17 | order entered by an administrative law judge. Administrative
18 | support orders rendered pursuant to s. 409.2563 may be
19 | enforced pursuant to s. 120.69 or, alternatively, by any
20 | method prescribed by law for the enforcement of judicial
21 | support orders, except contempt.

22 | Section 18. Subsection (15) of section 213.053,
23 | Florida Statutes, is amended to read:

24 | 213.053 Confidentiality and information sharing.--

25 | (15) The department may disclose confidential taxpayer
26 | information contained in returns, reports, accounts, or
27 | declarations filed with the department by persons subject to
28 | any state or local tax to the child support enforcement
29 | program, to assist in the location of parents who owe or
30 | potentially owe a duty of support, as defined in s. 409.2554,
31 | pursuant to Title IV-D of the Social Security Act, their

1 assets, their income, and their employer, and to the
2 Department of Children and Family Services for the purpose of
3 diligent search activities pursuant to chapter 39. Nothing in
4 this subsection authorizes the disclosure of information if
5 such disclosure is prohibited by federal law. Employees of the
6 child support enforcement program and of the Department of
7 Children and Family Services are bound by the same
8 requirements of confidentiality and the same penalties for
9 violation of the requirements as the department.

10 Section 19. Section 231.097, Florida Statutes, is
11 amended to read:

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

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

31

1 320.05 Records of the department; inspection
2 procedure; lists and searches; fees.--
3 (2) Upon receipt of an application for the
4 registration of a motor vehicle or mobile home, as herein
5 provided for, the department shall register the motor vehicle
6 or mobile home under the distinctive number assigned to such
7 motor vehicle or mobile home by the department. Electronic
8 registration records shall be open to the inspection of the
9 public during business hours. Information on a motor vehicle
10 registration may not be made available to a person unless the
11 person requesting the information furnishes positive proof of
12 identification. The agency that furnishes a motor vehicle
13 registration record shall record the name and address of any
14 person other than a representative of a law enforcement agency
15 who requests and receives information from a motor vehicle
16 registration record and shall also record the name and address
17 of the person who is the subject of the inquiry or other
18 information identifying the entity about which information is
19 requested. A record of each such inquiry must be maintained
20 for a period of 6 months from the date upon which the
21 information was released to the inquirer. Nothing in this
22 section shall prohibit any financial institution, insurance
23 company, motor vehicle dealer, licensee under chapter 493,
24 attorney, or other agency which the department determines has
25 the right to know from obtaining, for professional or business
26 use only, information in such records from the department
27 through any means of telecommunication pursuant to a code
28 developed by the department providing all fees specified in
29 subsection (3) have been paid. The department shall disclose
30 records or information to the child support enforcement agency
31 to assist in the location of individuals who owe or

1 potentially owe ~~child~~ support, as defined in s. 409.2554, or
2 to whom such an obligation is owed pursuant to Title IV-D of
3 the Social Security Act.

4 Section 21. Effective July 1, 2001, subsections (1)
5 and (2) of section 322.058, Florida Statutes, are amended to
6 read:

7 322.058 Suspension of driving privileges due to ~~child~~
8 support delinquency.--

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

18 (2) The department must reinstate the driving
19 privilege and allow registration of a motor vehicle when the
20 Title IV-D agency in IV-D cases or the depository or the clerk
21 of the court in non-IV-D cases provides to the department an
22 affidavit stating that:

23 (a) The person has paid the delinquency;

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

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

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

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

3 322.142 Color photographic or digital imaged
4 licenses.--

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

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

18 328.42 Suspension or denial of a vessel registration
19 due to child support delinquency; dishonored checks.--

20 (1) The department must allow applicants for new or
21 renewal registrations to be screened by the Department of
22 Revenue, as the Title IV-D child support agency under s.
23 409.2598 to assure compliance with an obligation for support
24 as defined in s. 409.2554, or by a non-IV-D obligee to assure
25 compliance with a child support obligation. The purpose of
26 this section is to promote the public policy of this state as
27 established in s. 409.2551. The department must, when
28 directed by the court, deny or suspend the vessel registration
29 of any applicant found to have a delinquent ~~child~~ support
30 obligation. The department must issue or reinstate a
31 registration when notified by the Title IV-D agency or the

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

5 Section 24. Subsections (7) and (10) of section
6 409.2554, Florida Statutes, are amended to read:

7 409.2554 Definitions; ss. 409.2551-409.2598.--As used
8 in ss. 409.2551-409.2598, the term:

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

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

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

24 (b) Child support only in cases not being enforced by
25 the Department of Revenue. ~~Support for a child who is placed~~
26 ~~under the custody of someone other than the custodial parent~~
27 ~~pursuant to s. 39.521, s. 39.522, s. 39.622, s. 39.623, or s.~~
28 ~~39.624.~~

29 Section 25. Effective October 1, 2001, subsections
30 (13) and (14) are added to section 409.2554, Florida Statutes,
31 to read:

1 409.2554 Definitions; ss. 409.2551-409.2598.--As used
2 in ss. 409.2551-409.2598, the term:

3 (13) "Undistributable collection" means a support
4 payment received by the department that the department
5 determines cannot be distributed to the final intended
6 recipient.

7 (14) "Unidentifiable collection" means a payment
8 received by the department for which the noncustodial parent,
9 custodial parent, depository or circuit civil numbers, or the
10 source of the payment cannot be identified.

11 Section 26. Paragraphs (f) and (j) of subsection (3)
12 of section 409.2557, Florida Statutes, are amended to read:

13 409.2557 State agency for administering child support
14 enforcement program.--

15 (3) SPECIFIC RULEMAKING AUTHORITY.--The department has
16 the authority to adopt rules pursuant to ss. 120.536(1) and
17 120.54 to implement all laws administered by the department in
18 its capacity as the Title IV-D agency for this state
19 including, but not limited to, the following:

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

23 (j) Collection and disbursement of ~~child~~ support and
24 alimony payments by the department as required by federal law;
25 collection of genetic testing costs and other costs awarded by
26 the court;

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

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

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. First, apply the payment to any assigned arrears on
29 the custodial parent's case;

30
31

1 2. Then, apply the payment to any administrative costs
2 ordered by the court pursuant to s. 409.2567 associated with
3 the custodial parent's case;

4 3. Then, when the noncustodial parent is subject to a
5 valid order to support other children in another case with a
6 different custodial parent and the obligation is being
7 enforced by the department, the department shall, with the
8 noncustodial parent's permission, apply the payment towards
9 his or her other support obligation;

10 4. Then, return the payment to the noncustodial
11 parent;

12 5. And finally, if the noncustodial parent cannot be
13 located after diligent efforts by the department, the federal
14 share of the payment shall be credited to the Federal
15 Government and the state share shall be transferred to the
16 General Revenue Fund.

17 (c) Refunds to noncustodial parents that are
18 determined to be undistributable shall be processed in the
19 following manner:

20 1. The federal share of the refund shall be sent to
21 the Federal Government; and

22 2. The state share shall be credited to the General
23 Revenue Fund.

24 (3) UNIDENTIFIABLE COLLECTIONS.--

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

27 (b) Upon being determined to be unidentifiable, the
28 federal share of unidentifiable collections shall be credited
29 to the Federal Government and the state share shall be
30 transferred to the General Revenue Fund.

31

1 (4) RECLAIMING COLLECTIONS DECLARED TO BE
2 UNDISTRIBUTABLE OR UNIDENTIFIABLE.--At such time as an
3 undistributable or unidentifiable collection that has been
4 transferred to the Federal Government and to the General
5 Revenue Fund in the relevant method above becomes
6 distributable or identified, meaning either the noncustodial
7 parent or the custodial parent is identified or located, the
8 department shall retrieve the transferred moneys in the
9 following manner:

10 (a) Offset the next credit to the Federal Government
11 in an amount equal to the share of the collection which had
12 been transferred; and

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

16
17 The collection shall then be processed, as appropriate.

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

30 ~~(6)(3)~~ OVERPAYMENT.-- If the department's records
31 indicate that a ~~child~~ support obligee has received an

1 overpayment of ~~child~~ support from the department due to either
2 mistake or fraud, the department may take action to recover
3 the overpayment. The department may establish by rule a
4 procedure to recover overpayments.

5 (7) RULEMAKING AUTHORITY.--The department shall have
6 authority to adopt rules to implement this section.

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

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

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

1 any, by applying the child support guidelines. The department
2 may apply for modification of a court order on the same
3 grounds as either party to the cause and shall have the right
4 to settle and compromise actions brought pursuant to law.

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

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

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

16 3. At the time that the assignment becomes effective
17 by operation of law.

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

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

28 2. Compromising claims;

29 3. Pursuing the establishment or modification of
30 support obligations;

31

1 4.3. Pursuing civil and criminal enforcement of
2 support obligations; and

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

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

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

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

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

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

30 (d) Entities providing health insurance as defined in
31 s. 624.603 and health maintenance organizations and prepaid

1 health clinics as defined in chapter 641 shall provide such
2 records and information as is necessary to accomplish the
3 purpose of this subsection, unless such requirement results in
4 an unreasonable burden.

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

12 Section 30. Section 409.2563, Florida Statutes, is
13 created to read:

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

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

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

24 (b) "Caretaker relative" shall have the meaning
25 indicated in s. 414.0252(11).

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

31

1 (d) "Rendered" means a signed written order is filed
2 with the clerk or any deputy clerk of the department. The date
3 of filing shall be indicated on the face of the order at the
4 time of rendition.

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

9 (f) "Retroactive support" means a child support
10 obligation established pursuant to s. 61.30(17).

11 (g) Other terms used in this section shall have the
12 meanings indicated in ss. 409.2554 and 61.046.

13

14 The singular may include the plural and vice versa, where the
15 context will permit.

16 (2) PURPOSE AND SCOPE.--

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

24 (b) The administrative procedure set forth in this
25 section concerns only the establishment of child support
26 obligations. Nothing herein shall be construed to grant
27 jurisdiction to the department or the Division of
28 Administrative Hearings to hear or determine issues of
29 dissolution of marriage, separation, alimony or spousal
30 support, termination of parental rights, dependency, disputed
31 paternity, award of or change of custody, or visitation. This

1 paragraph notwithstanding, the department and the Division of
2 Administrative Hearings may make findings of fact that are
3 necessary for a proper determination of a noncustodial
4 parent's support obligation as authorized by this section.

5 (c) If there is no support order for a child in a
6 Title IV-D case whose paternity has been established or is
7 presumed by law, the department may establish a noncustodial
8 parent's child support obligation pursuant to this section, s.
9 61.30, and other relevant provisions of the Florida Statutes.

10 The noncustodial parent's obligation determined by the
11 department may include any obligation to pay retroactive
12 support, and any obligation to provide for health care for a
13 child whether through insurance coverage, reimbursement of
14 expenses, or both. The department may proceed on behalf of:

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

17 2. A former recipient of public assistance, as
18 provided by s. 409.2569;

19 3. An individual who has applied for services as
20 provided by s. 409.2567;

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

22 5. A state or local government of another state, as
23 provided by chapter 88.

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

31

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

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

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

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

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

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

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

28 (f) That the department will calculate support
29 obligations based on the child support guidelines in s. 61.30
30 using all available information, as provided by paragraph
31

1 (5)(a), and will incorporate such obligations into a proposed
2 administrative support order;
3 (g) That the department will send by regular mail to
4 both parents, or parent and caretaker relative if applicable,
5 a copy of the proposed administrative support order, the
6 department's child support worksheet, and any financial
7 affidavits submitted by a parent or prepared by the
8 department;
9 (h) That the noncustodial parent may file a request
10 for a hearing in writing within 20 days after the date of
11 mailing or other service of the proposed administrative
12 support order or will be deemed to have waived the right to
13 request a hearing;
14 (i) That if the noncustodial parent does not file a
15 timely request for hearing after service of the proposed
16 administrative support order, the department will issue an
17 administrative support order that incorporates the findings of
18 the proposed administrative support order, and will send by
19 regular mail a copy of the administrative support order to
20 both parents, or parent and caretaker relative if applicable;
21 (j) That after an administrative support order is
22 rendered, the department will file a copy of the order with
23 the clerk of the circuit court;
24 (k) That after an administrative support order is
25 rendered, the department may enforce the administrative
26 support order by any lawful means; and
27 (l) That either parent, or caretaker relative if
28 applicable, may file at any time a civil action in a circuit
29 court of this state having jurisdiction and proper venue, to
30 determine the noncustodial parent's child support obligations,
31 if any, and that a support order issued by a circuit court

1 supersedes an administrative support order rendered by the
2 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 about a parent's
31 actual earnings for a current or past period, it shall be

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 shall
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 shall 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

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 that if informal discussions
5 are 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 which makes it necessary to amend the proposed administrative
18 support order, it shall prepare an amended proposed
19 administrative support order, with accompanying amended child
20 support worksheets and other material necessary to explain the
21 changes, and follow the same procedures set forth in
22 paragraphs (b) and (c) above.

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

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 shall constitute 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 shall 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 is located, shall develop a standard form
30 or forms for administrative support orders. An administrative
31

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

1 An income deduction order as provided by s. 61.1301 shall be
2 incorporated into the administrative support order or, if not
3 incorporated into the administrative support order, the
4 department shall render a separate income deduction order.
5 (8) FILING WITH THE CLERK OF THE CIRCUIT COURT;
6 OFFICIAL PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.--The
7 department shall file with the clerk of the circuit court a
8 certified copy of an administrative support order rendered
9 under this section. The depository operated pursuant to s.
10 61.181 for the county where the administrative support order
11 has been filed shall:
12 (a) Act as the official recordkeeper for payments
13 required under the administrative support order;
14 (b) Establish and maintain the necessary payment
15 accounts;
16 (c) Upon a delinquency, initiate the judgment by
17 operation of law procedure as provided by s. 61.14(6); and
18 (d) Perform all other duties required of a depository
19 with respect to a support order entered.
20 (9) COLLECTION ACTION; ENFORCEMENT.--
21 (a) The department may implement an income deduction
22 notice immediately upon rendition of an income deduction
23 order, whether it is incorporated in the administrative
24 support order or rendered separately.
25 (b) The department may initiate other collection
26 action 15 days after the date an administrative support order
27 is rendered under this section.
28 (c) In a subsequent proceeding to enforce an
29 administrative support order, notice of the proceeding that is
30 sent by regular mail to the person's address of record
31

1 furnished to the department shall constitute adequate notice
2 of the proceeding, pursuant to paragraph (13)(c).

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

6 1. In any manner permitted for enforcement of a
7 support order issued by a court of this state, except for
8 contempt; or

9 2. Pursuant to s. 120.69.

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

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

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

31

1 (c) A circuit court of this state, where venue is
2 proper and the court has jurisdiction of the parties, may
3 enter an order prospectively changing the support obligations
4 established in an administrative support order, in which case
5 the administrative support order shall be deemed superseded,
6 and the court's order shall govern future proceedings in the
7 case. Any unpaid support owed under the superseded
8 administrative support order may not be changed by the circuit
9 court, but remains enforceable by the department, by the
10 obligee, or by the court. In all cases in which an
11 administrative support order is superseded, the court shall
12 determine the amount of any unpaid support owed under the
13 administrative support order, and shall include the amount as
14 arrearage in its superseding order.

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

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

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

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

27 (12) MODIFICATION OF ADMINISTRATIVE SUPPORT ORDER.--If
28 it has not been superseded by a subsequent court order, the
29 department may modify an administrative support order in a
30 Title IV-D case prospectively, subject to the requirements for
31 modifications of judicial support orders established in

1 chapters 61 and 409, by following the same procedures set
2 forth in this section for establishing an administrative
3 support order, as applicable.

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

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

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

31

1 (c) The noncustodial parent, custodial parent, and
2 caretaker relative, if applicable, shall have a continuing
3 obligation to promptly inform the department in writing of any
4 change in the person's mailing address to ensure receipt of
5 all subsequent pleadings, notices, payments, statements, and
6 orders, and receipt will be presumed if sent by regular mail
7 to the most recent address furnished by the person.

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

17 (15) PROVISIONS SUPPLEMENTAL TO EXISTING LAW.--The
18 provisions of this section do not limit or negate the
19 department's authority to seek establishment of child support
20 obligations under any other applicable law.

21 (16) RULEMAKING AUTHORITY.--The department may adopt
22 rules to implement the provisions of this section.

23 (17) PILOT PROGRAM.--For the purpose of identifying
24 measurable outcomes, the pilot program shall be located in a
25 county selected by the Department of Revenue with a population
26 of less than 500,000, in which the Title IV-D caseload did not
27 exceed 20,000 cases and the obligation rate was approximately
28 65 percent at the end of fiscal year 1999-2000. The Department
29 of Revenue and the Division of Administrative Hearings shall
30 implement the pilot program established by this section on
31 July 1, 2001, or as soon thereafter as practicable. The

1 department shall utilize the procedures of this section to
2 establish support obligations in Title IV-D cases on behalf of
3 custodial parents or caretaker relatives residing in the pilot
4 county. No later than January 31, 2002, the Department of
5 Revenue shall submit a report of the results of the pilot
6 program to the Governor and Cabinet, the President of the
7 Senate, and the Speaker of the House of Representatives.

8 Section 31. Subsection (6), paragraph (a) of
9 subsection (8), and subsections (10), (11), and (12) of
10 section 409.2564, Florida Statutes, are amended to read:

11 409.2564 Actions for support.--

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

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

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

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

7 (b) Subpoenas issued by this or any other state's
8 Title IV-D agency may be challenged in accordance with s.
9 120.569(2)(k)1. While a subpoena is being challenged, the
10 Title IV-D agency may not impose a fine as provided for under
11 paragraph (c) until the challenge is complete and the subpoena
12 has been found to be valid.

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

18 1. Imposition of an administrative fine of not more
19 than \$500.

20 2. Enforcement of the subpoena as provided in s.
21 120.569(2)(k)2. When the subpoena is enforced pursuant to s.
22 120.569(2)(k)2., the court may award costs and fees to the
23 prevailing party in accordance with that section.

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

31

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

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

- 12 1. Pays the delinquency in full; or
13 2. Files a petition with the circuit court to contest
14 the delinquency action.

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

27 (12) The Title IV-D agency shall review child support
28 orders in IV-D cases at least every 3 years upon request by
29 either party, or the agency in cases where there is an
30 assignment of support to the state under s. 414.095(8), and
31 may seek adjustment of the order if appropriate under the

1 guidelines established in s. 61.30. Not less than once every 3
2 years the IV-D agency shall provide notice to the parties
3 subject to the order informing them of their right to request
4 a review and, if appropriate, an adjustment of the child
5 support order. Said notice requirement may be met by including
6 appropriate language in the initial support order or any
7 subsequent orders.

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

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

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

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

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

28
29 A copy of the affidavit or written declaration which is the
30 basis for the issuance of the administrative order shall be
31 attached to the order. The administrative order is exempt

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

14 Section 33. Section 409.2565, Florida Statutes, is
15 amended to read:

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

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

30 409.25656 Garnishment.--

31

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

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

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

30 409.25656 Garnishment.--
31

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

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

14 409.25657 Requirements for financial institutions.--

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

19 Section 37. Section 409.2567, Florida Statutes, is
20 amended to read:

21 409.2567 Services to individuals not otherwise
22 eligible.--All ~~child~~ support services provided by the
23 department shall be made available on behalf of all dependent
24 children. Services shall be provided upon acceptance of public
25 assistance or upon proper application filed with the
26 department. The department shall adopt rules to provide for
27 the payment of a \$25 application fee from each applicant who
28 is not a public assistance recipient. The application fee
29 shall be deposited in the Child Support Enforcement
30 Application and Program Revenue Trust Fund within the
31 Department of Revenue to be used for the Child Support

1 Enforcement Program. The obligor is responsible for all
2 administrative costs, as defined in s. 409.2554. The court
3 shall order payment of administrative costs without requiring
4 the department to have a member of the bar testify or submit
5 an affidavit as to the reasonableness of the costs. An
6 attorney-client relationship exists only between the
7 department and the legal services providers in Title IV-D
8 cases. The attorney shall advise the obligee in Title IV-D
9 cases that the attorney represents the agency and not the
10 obligee. In Title IV-D cases, any costs, including filing
11 fees, recording fees, mediation costs, service of process
12 fees, and other expenses incurred by the clerk of the circuit
13 court, shall be assessed only against the nonprevailing
14 obligor after the court makes a determination of the
15 nonprevailing obligor's ability to pay such costs and fees. In
16 any case where the court does not award all costs, the court
17 shall state in the record its reasons for not awarding the
18 costs. The Department of Revenue shall not be considered a
19 party for purposes of this section; however, fees may be
20 assessed against the department pursuant to s. 57.105(1). The
21 department shall submit a monthly report to the Governor and
22 the chairs of the Health and Human Services Fiscal Committee
23 of the House of Representatives and the Ways and Means
24 Committee of the Senate specifying the funds identified for
25 collection from the noncustodial parents of children receiving
26 temporary assistance and the amounts actually collected.

27 Section 38. Paragraph (i) of subsection (1) and
28 subsections (3) and (4) of section 409.2572, Florida Statutes,
29 are amended, and subsection (5) is added to said section, to
30 read:

31 409.2572 Cooperation.--

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

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

6 (3) The Title IV-D staff of the department shall be
7 responsible for determining and reporting to the ~~Title IV-A~~
8 staff of the Department of Children and Family Services acts
9 of noncooperation by applicants or recipients of public cash
10 ~~or medical~~ assistance. Any person who applies for or is
11 receiving public assistance for, or who has the care, custody,
12 or control of, a dependent child and who without good cause
13 fails or refuses to cooperate with the department, a program
14 attorney, or a prosecuting attorney in the course of
15 administering this chapter shall be sanctioned by the
16 Department of Children and Family Services pursuant to chapter
17 414 and is ineligible to receive public assistance until such
18 time as the department determines cooperation has been
19 satisfactory.

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

25 (5) As used only in this section, "applicant for or
26 recipient of public assistance for a dependent child" shall
27 refer to such applicants and recipients of public assistance
28 as defined in s. 409.2554(7), with the exception of applicants
29 for or recipients of Medicaid solely for the benefit of a
30 dependent child.

31

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

3 409.2578 Access to employment information;
4 administrative fine.--

5 (1) For the purpose of establishing paternity, ~~or~~
6 establishing a child support obligation, or enforcing a ~~child~~
7 support obligation, all persons in this state, including
8 for-profit, not-for-profit, and governmental employers or
9 contractors, shall, upon written request from the IV-D agency
10 for information concerning an individual employee of such
11 person, provide to the IV-D agency of this state or its
12 designee or to the Title IV-D agency of any other state or its
13 designee information on the employment, compensation, and
14 benefits of any employee who has a liability to pay ~~child~~
15 support and is delinquent or who has a potential liability.
16 The IV-D agency may also make such a request for the purpose
17 of modifying a child support obligation after an unsuccessful
18 attempt to obtain the information from either party. The
19 information requested shall be provided within 30 days of
20 receipt of the written request. The Title IV-D agency of this
21 state is authorized to impose a fine for failure to respond to
22 its request.

23 Section 40. Paragraph (d) of subsection (1) and
24 subsection (2) of section 409.2579, Florida Statutes, are
25 amended to read:

26 409.2579 Safeguarding Title IV-D case file
27 information.--

28 (1) Information concerning applicants for or
29 recipients of Title IV-D child support services is
30 confidential and exempt from the provisions of s. 119.07(1).
31

1 The use or disclosure of such information by the IV-D program
2 is limited to purposes directly connected with:

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

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

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

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

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

23 Section 43. Subsections (1), (2), and (3) of section
24 409.2598, Florida Statutes, are amended to read:

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

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

1 328.42, or s. 597.010 of any obligor with a delinquent ~~child~~
2 support obligation or who fails, after receiving appropriate
3 notice, to comply with subpoenas, orders to appear, orders to
4 show cause, or similar orders relating to paternity or ~~child~~
5 support proceedings. However, a petition may not be filed
6 until the Title IV-D agency has exhausted all other available
7 remedies. The purpose of this section is to promote the public
8 policy of the state as established in s. 409.2551.

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

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

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

12 Section 44. Paragraph (a) of subsection (5) of section
13 414.065, Florida Statutes, is amended to read:

14 414.065 Noncompliance with work requirements.--

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

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

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

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

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

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

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

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

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

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

27 (b) A putative or identified noncustodial parent of a
28 child under 18 years of age is ineligible for food stamps if
29 the parent fails to cooperate with the state agency that
30 administers the child support enforcement program in
31 establishing the paternity of the child, if the child is born

1 out of wedlock, or fails to provide support for the child.
2 This paragraph does not apply if the state agency that
3 administers the food stamp ~~child support enforcement~~ program
4 determines that the noncustodial parent has good cause for
5 refusing to cooperate in establishing the paternity of the
6 child.

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

10 440.20 Time for payment of compensation; penalties for
11 late payment.--

12 (11)

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

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

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

30
31

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

4 443.051 Benefits not alienable; exception, child
5 support intercept.--

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

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

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

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

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

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

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

31

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

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

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

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

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

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

25 455.203 Department; powers and duties.--The
26 department, for the boards under its jurisdiction, shall:

27 (9) Allow applicants for new or renewal licenses and
28 current licensees to be screened by the Title IV-D child
29 support agency pursuant to s. 409.2598 to assure compliance
30 with a support obligation. The purpose of this subsection is
31 to promote the public policy of this state as established in

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

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

12 456.004 Department; powers and duties.--The
13 department, for the professions under its jurisdiction, shall:

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

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

30 559.79 Applications for license or renewal.--
31

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

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

17 742.12 Scientific testing to determine paternity.--

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

31

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

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

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

17 Section 55. The Office of Program Policy Analysis and
18 Government Accountability, in consultation with the
19 substantive legislative committee, through its staff or by
20 contract with a vendor, is directed to study and analyze case
21 data and court proceedings, chosen through a statistically
22 valid random sample of child support enforcement cases in both
23 Title IV-D and non-Title IV-D cases, on the application of and
24 deviations from the child support guidelines set forth in s.
25 61.30, Florida Statutes. The office shall report its findings
26 to the Governor, the President of the Senate, the Speaker of
27 the House of Representatives, and the Chief Justice of the
28 Supreme Court no later than January 31, 2002.

29 Section 56. Except as otherwise provided herein, this
30 act shall take effect upon becoming a law.

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HOUSE SUMMARY

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