

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 s. 61.046, F.S.; defining "national
4 medical support notice"; amending s. 61.13,
5 F.S.; revising procedures for enforcement of
6 the health care coverage requirements of child
7 support orders; providing for use of the
8 national medical support notice; providing
9 responsibilities of the obligor's union,
10 employer, or health plan administrator upon
11 receipt of such notice; providing limitations
12 on withholding in compliance with a support
13 order; amending ss. 61.14 and 61.30, F.S.;
14 providing procedures for modification of child
15 support orders after Department of Revenue
16 review finds certain deviation from the child
17 support guidelines; amending s. 61.181, F.S.;
18 continuing the increased fee charged to child
19 support obligors by the State Disbursement
20 Unit; amending s. 61.1826, F.S.; correcting a
21 cross reference; amending s. 409.2563, F.S.;
22 providing a definition; modifying procedures
23 under the pilot program for administrative
24 establishment of child support obligations;
25 requiring administrative orders to provide for
26 withholding of a portion of unemployment
27 compensation benefits for payment of child
28 support; authorizing the department to suspend
29 or terminate an administrative support order
30 prospectively under certain circumstances;
31 correcting a cross reference; amending s.

1 409.25656, F.S.; providing for liquidation of
2 securities to satisfy past due or overdue child
3 support; amending s. 409.25658, F.S., relating
4 to use of unclaimed property for past due child
5 support; amending s. 409.2576, F.S.; providing
6 for notice to an obligor's employer to withhold
7 premiums for health care coverage pursuant to
8 the national medical support notice; repealing
9 s. 61.1826(5), F.S., relating to performance
10 reviews of the State Disbursement Unit and the
11 State Case Registry; providing effective dates.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Subsections (10) through (19) of section
16 61.046, Florida Statutes, are renumbered as subsections (11)
17 through (20), respectively, and a new subsection (10) is added
18 to said section to read:

19 61.046 Definitions.--As used in this chapter:

20 (10) "National medical support notice" means the
21 notice required by 42 U.S.C. s. 666(a)(19).

22 Section 2. Paragraph (b) of subsection (1) of section
23 61.13, Florida Statutes, is amended to read:

24 61.13 Custody and support of children; visitation
25 rights; power of court in making orders.--

26 (1)

27 (b) Each order for ~~child~~ support shall contain a
28 provision for health care coverage insurance for the minor
29 child when the coverage insurance is reasonably available.
30 Coverage insurance is reasonably available if either the
31 obligor or obligee has access at a reasonable rate to a group

1 health plan insurance. The court may require the obligor
2 either to provide health care insurance coverage or to
3 reimburse the obligee for the cost of health care insurance
4 coverage for the minor child when coverage is provided by the
5 obligee. In either event, the court shall apportion the cost
6 of coverage, and any noncovered medical, dental, and
7 prescription medication expenses of the child, to both parties
8 by adding the cost to the basic obligation determined pursuant
9 to s. 61.30(6). The court may order that payment of uncovered
10 medical, dental, and prescription medication expenses of the
11 minor child be made directly to the obligee payee on a
12 percentage basis.

13 1. In a non-Title IV-D case, a copy of the court order
14 for health care insurance coverage shall be served on the
15 obligor's ~~payor or~~ union or employer by the obligee ~~or the~~
16 ~~IV-D agency~~ when the following conditions are met:

17 a. The obligor fails to provide written proof to the
18 obligee ~~or the IV-D agency~~ within 30 days after ~~of~~ receiving
19 effective notice of the court order, that the health care
20 coverage insurance has been obtained or that application for
21 coverage insurability has been made.†

22 b. The obligee ~~or IV-D agency~~ serves written notice of
23 ~~its~~ intent to enforce health care coverage ~~medical support~~ on
24 the obligor by mail at the obligor's last known address.† ~~and~~

25 c. The obligor fails within 15 days after the mailing
26 of the notice to provide written proof to the obligee ~~or the~~
27 ~~IV-D agency~~ that the health care insurance coverage existed as
28 of the date of mailing.

29 2.a. Support orders being enforced under Title IV-D of
30 the Social Security Act that require the obligor to provide
31 health care coverage are enforceable by the department through

1 the use of the national medical support notice without the
2 need for any amendment to the support order. The department
3 shall transfer the national medical support notice to the
4 obligor's union or employer. The department shall notify the
5 obligor in writing that the national medical support notice
6 has been sent to the obligor's union or employer, and the
7 written notification shall include the obligor's rights and
8 duties under the national medical support notice. The obligor
9 has the right to contest the withholding required by the
10 national medical support notice based on a mistake of fact.
11 To contest, the obligor must file a written notice of contest
12 with the department within 15 business days after the date of
13 the national medical support notice. Filing with the
14 department shall be deemed complete when the notice is
15 received by the person designated by the department in the
16 written notification. The notice of contest must be in the
17 form prescribed by the department. Upon the timely filing of a
18 notice of contest, the department shall, within 5 business
19 days, schedule an informal conference with the obligor to
20 discuss the obligor's factual dispute. If the informal
21 conference resolves the dispute to the obligor's satisfaction,
22 or if the obligor fails to attend the informal conference, the
23 notice of contest shall be deemed withdrawn. If the informal
24 conference does not resolve the dispute, the obligor has the
25 right to request an administrative hearing pursuant to chapter
26 120 within 5 business days after the termination of the
27 informal conference in a form and manner prescribed by the
28 department. However, the filing of a notice of contest by the
29 obligor does not delay the withholding of premium payments by
30 the union, employer, or health plan administrator. The union,
31 employer, or health plan administrator must implement the

1 withholding as directed by the national medical support notice
2 unless notified by the department that the national medical
3 support notice is terminated.~~In cases in which the~~
4 ~~noncustodial parent provides health care coverage and the~~
5 ~~noncustodial parent changes employment and the new employer~~
6 ~~provides health care coverage, the IV-D agency shall transfer~~
7 ~~notice of the provision to the employer, which notice shall~~
8 ~~operate to enroll the child in the noncustodial parent's~~
9 ~~health plan, unless the noncustodial parent contests the~~
10 ~~notice. Notice to enforce medical coverage under this section~~
11 ~~shall be served by the IV-D agency upon the obligor by mail at~~
12 ~~the obligor's last known address. The obligor shall have 15~~
13 ~~days from the date of mailing of the notice to contest the~~
14 ~~notice with the IV-D agency.~~

15 b. In a Title IV-D case, the department shall notify
16 the union or employer if the obligation to provide health care
17 coverage through that union or employer is terminated.

18 3. In a non-Title IV-D case, upon receipt of the order
19 pursuant to subparagraph 1. or the notice pursuant to
20 subparagraph 2., or upon application of the obligor pursuant
21 to the order, the payor, union, or employer shall enroll the
22 minor child as a beneficiary in the group health insurance
23 plan without regard to any enrollment season restrictions and
24 withhold any required premium from the obligor's income. If
25 more than one plan is offered by the payor, union, or
26 employer, the child shall be enrolled in the group health
27 insurance plan in which the obligor is enrolled.

28 4.a. In a Title IV-D case, upon receipt of the
29 national medical support notice pursuant to subparagraph 2.,
30 the union or employer shall transfer the notice to the
31 appropriate group health plan administrator within 20 business

1 days after the date of the notice. The plan administrator
2 must enroll the child as a beneficiary in the group health
3 plan without regard to any enrollment season restriction, and
4 the employer must withhold any required premium from the
5 obligor's income upon notification by the plan administrator
6 that the child is enrolled. The child shall be enrolled in
7 the group health plan in which the obligor is enrolled. If
8 the group health plan in which the obligor is enrolled is not
9 available where the child resides, or if the obligor is not
10 enrolled in group coverage, the child shall be enrolled in the
11 lowest cost group health plan that is available where the
12 child resides.

13 b. In a Title IV-D case, when health care coverage or
14 the obligor's employment is terminated, the union or employer
15 who is withholding premiums for health care coverage due to a
16 national medical support notice shall notify the department
17 within 20 days after the termination and provide the obligor's
18 last known address and the name and address of the obligor's
19 new employer, if known.

20 5.a. Amounts withheld by unions or employers in
21 compliance with support orders shall not exceed the amount
22 allowed under s. 303(b) of the Consumer Credit Protection Act,
23 15 U.S.C. s. 1673(b), as amended. The union or employer shall
24 withhold the maximum amount allowed by the Consumer Credit
25 Protection Act in the following order:

26 (I) Current support, as ordered.

27 (II) Premium payments for health care coverage, as
28 ordered.

29 (III) Past due support, as ordered.

30 (IV) Other medical support or coverage, as ordered.

31

1 b. If the combined amount to be withheld for current
2 support plus the premium payment for health care coverage
3 exceeds the amount allowed under the Consumer Credit
4 Protection Act, and the health care coverage cannot be
5 obtained unless the full amount of the premium is paid, the
6 union or employer shall not withhold the premium payment.
7 However, the union or employer shall withhold the maximum
8 amount allowed in the following order:

9 (I) Current support, as ordered.

10 (II) Past due support, as ordered.

11 (III) Other medical support or coverage, as ordered.

12 ~~6.4.~~ The Department of Revenue shall have the
13 authority to adopt rules to implement the child support
14 enforcement provisions of this section that affect Title IV-D
15 cases.

16 Section 3. Effective upon this act becoming a law,
17 paragraph (b) of subsection (1) of section 61.14, Florida
18 Statutes, is amended to read:

19 61.14 Enforcement and modification of support,
20 maintenance, or alimony agreements or orders.--

21 (1)

22 (b) For support orders reviewed by the department as
23 required by s. 409.2564(12), if the amount of the child
24 support award under the order differs by at least 10 percent
25 but not less than \$25 from the amount that would be awarded
26 under s. 61.30, the department shall seek to have the order
27 modified and any modification shall be made without a
28 requirement for proof or showing of a change in circumstances.
29 ~~In Title IV-D cases reviewed pursuant to the 3-year review and~~
30 ~~adjustment cycle, no substantial change of circumstance need~~
31 ~~be proven to warrant a modification.~~

1 Section 4. Paragraph (b) of subsection (2) of section
2 61.181, Florida Statutes, is amended to read:

3 61.181 Depository for alimony transactions, support,
4 maintenance, and support payments; fees.--

5 (2)

6 (b)1. Effective ~~For the period of July 1, 1992,~~
7 ~~through June 30, 2002,~~ the fee imposed in paragraph (a) shall
8 be increased to 4 percent of the support payments which the
9 party is obligated to pay, except that no fee shall be more
10 than \$5.25. The fee shall be considered by the court in
11 determining the amount of support that the obligor is, or may
12 be, required to pay. Notwithstanding the provisions of s.
13 145.022, 75 percent of the additional revenues generated by
14 this paragraph shall be remitted monthly to the Clerk of the
15 Court Child Support Enforcement Collection System Trust Fund
16 administered by the department as provided in subparagraph 2.
17 These funds shall be used exclusively for the development,
18 implementation, and operation of the Clerk of the Court Child
19 Support Enforcement Collection System to be operated by the
20 depositories, including the automation of civil case
21 information necessary for the State Case Registry. The
22 department shall contract with the Florida Association of
23 Court Clerks and the depositories to design, establish,
24 operate, upgrade, and maintain the automation of the
25 depositories to include, but not be limited to, the provision
26 of on-line electronic transfer of information to the IV-D
27 agency as otherwise required by this chapter. The department's
28 obligation to fund the automation of the depositories is
29 limited to the state share of funds available in the Clerk of
30 the Court Child Support Enforcement Collection System Trust
31 Fund. Each depository created under this section shall fully

1 participate in the Clerk of the Court Child Support
2 Enforcement Collection System and transmit data in a readable
3 format as required by the contract between the Florida
4 Association of Court Clerks and the department.

5 2. ~~No later than December 31, 1996,~~ Moneys to be
6 remitted to the department by the depository shall be done
7 daily by electronic funds transfer and calculated as follows:

8 a. For each support payment of less than \$33, 18.75
9 cents.

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

12 c. For each support payment in excess of \$140, 18.75
13 cents.

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

18 Section 5. Subsection (1) of section 61.1826, Florida
19 Statutes, is amended to read:

20 61.1826 Procurement of services for State Disbursement
21 Unit and the non-Title IV-D component of the State Case
22 Registry; contracts and cooperative agreements; penalties;
23 withholding payment.--

24 (1) LEGISLATIVE FINDINGS.--The Legislature finds that
25 the clerks of court play a vital role, as essential
26 participants in the establishment, modification, collection,
27 and enforcement of child support, in securing the health,
28 safety, and welfare of the children of this state. The
29 Legislature further finds and declares that:

30 (a) It is in the state's best interest to preserve the
31 essential role of the clerks of court in disbursing child

1 support payments and maintaining official records of child
2 support orders entered by the courts of this state.

3 (b) As official recordkeeper for matters relating to
4 court-ordered child support, the clerks of court are necessary
5 parties to obtaining, safeguarding, and providing child
6 support payment and support order information.

7 (c) As provided by the federal Personal Responsibility
8 and Work Opportunity Reconciliation Act of 1996, the state
9 must establish and operate a State Case Registry in full
10 compliance with federal law by October 1, 1998, and a State
11 Disbursement Unit by October 1, 1999.

12 (d) Noncompliance with federal law could result in a
13 substantial loss of federal funds for the state's child
14 support enforcement program and the temporary assistance for
15 needy families welfare block grant.

16 (e) The potential loss of substantial federal funds
17 poses a direct and immediate threat to the health, safety, and
18 welfare of the children and citizens of the state and
19 constitutes an emergency for purposes of s. 287.057(4)(a).

20 (f) The clerks of court maintain the official payment
21 record of the court for amounts received, payments credited,
22 arrearages owed, liens attached, and current mailing addresses
23 of all parties, payor, obligor, and payee.

24 (g) The clerks of court have established a statewide
25 Clerk of Court Child Support Enforcement Collection System for
26 the automation of all payment processing using state and local
27 government funds as provided under s. 61.181(2)(b)1.

28 (h) The Legislature acknowledges the improvements made
29 by and the crucial role of the Clerk of the Court Child
30 Support Enforcement Collection System in speeding payments to
31 the children of Florida.

1 (i) There is no viable alternative to continuing the
2 role of the clerks of court in collecting, safeguarding, and
3 providing essential child support payment information.

4
5 For these reasons, the Legislature hereby directs the
6 Department of Revenue, subject to the provisions of subsection
7 ~~(5)(6)~~, to contract with the Florida Association of Court
8 Clerks and each depository to perform duties with respect to
9 the operation and maintenance of a State Disbursement Unit and
10 the non-Title IV-D component of the State Case Registry as
11 further provided by this section.

12 Section 6. Effective upon this act becoming a law,
13 paragraph (c) of subsection (1) of section 61.30, Florida
14 Statutes, is amended to read:

15 61.30 Child support guidelines; retroactive child
16 support.--

17 (1)

18 (c) For support orders reviewed by the department as
19 required by s. 409.2564(12), if the amount of the child
20 support award under the order differs by at least 10 percent
21 but not less than \$25 from the amount that would be awarded
22 under this section, the department shall seek to have the
23 order modified and any modification shall be made without a
24 requirement for proof or showing of a change in circumstances.
25 ~~In Title IV-D cases reviewed pursuant to the 3-year review and~~
26 ~~adjustment cycle, no change of circumstance need be proven to~~
27 ~~warrant a modification.~~

28 Section 7. Effective upon this act becoming a law,
29 subsection (1), paragraph (c) of subsection (5), subsection
30 (6), paragraphs (a) and (e) of subsection (7), paragraph (d)
31 of subsection (8), paragraph (c) of subsection (10),

1 subsection (12), and paragraph (a) of subsection (13) of
2 section 409.2563, Florida Statutes, are amended to read:

3 409.2563 Pilot program for administrative
4 establishment of child support obligations.--

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

6 (a) "Administrative support order" means a final order
7 rendered by or on behalf of the department pursuant to this
8 section establishing or modifying the obligation of a
9 noncustodial parent to contribute to the support and
10 maintenance of his or her child or children, which may include
11 provisions for monetary support, retroactive support, health
12 care, and other elements of support pursuant to chapter 61.

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

15 (c) "Filed" means a document has been received and
16 accepted for filing at the offices of the department by the
17 clerk or any authorized deputy clerk of the department. The
18 date of filing must be indicated on the face of the document
19 by the clerk or deputy clerk.

20 (d) "Financial affidavit" means an affidavit or
21 written declaration as provided by s. 92.525(2) that shows an
22 individual's income, allowable deductions, net income, and
23 other information needed to calculate the child support
24 guideline amount under s. 61.30.

25 ~~(e)(d)~~ "Rendered" means that a signed written order is
26 filed with the clerk or any deputy clerk of the department.
27 The date of filing must be indicated on the face of the order
28 at the time of rendition.

29 ~~(f)(e)~~ "Title IV-D case" means a case or proceeding in
30 which the department is providing child support services

31

1 within the scope of Title IV-D of the Social Security Act, 42
2 U.S.C. ss. 651 et seq.

3 (g)~~(f)~~ "Retroactive support" means a child support
4 obligation established pursuant to s. 61.30(17).

5
6 Other terms used in this section have the meanings ascribed in
7 ss. 61.046 and 409.2554.

8 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

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

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

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

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

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

27 5. The noncustodial parent may, within 10 days after
28 the date of mailing or other service of the proposed
29 administrative support order, contact a department
30 representative, at the address or telephone number specified
31 in the notice, to informally discuss the proposed

1 administrative support order and, if informal discussions are
2 timely requested ~~and held within a reasonable time~~, the time
3 for requesting a hearing will be extended until 10 days after
4 the department notifies the noncustodial parent that the
5 informal discussions have been concluded; and

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

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

22 (7) ADMINISTRATIVE SUPPORT ORDER.--

23 (a) If a hearing is held, notwithstanding ss. 120.569
24 and 120.57, the administrative law judge of the Division of
25 Administrative Hearings shall issue an administrative support
26 order, or a final order denying an administrative support
27 order, which constitutes final agency action by the
28 department. The Division of Administrative Hearings shall
29 transmit any such order to the department for filing and
30 rendering ~~indexing~~.

31

1 (e) An administrative support order must comply with
2 s. 61.30. The department, after consultation with the Division
3 of Administrative Hearings and the chief judge of the circuit
4 in which the pilot program is located, shall develop a
5 standard form or forms for administrative support orders. An
6 administrative support order must provide and state findings,
7 if applicable, concerning:

8 1. The full name and date of birth of the child or
9 children;

10 2. The name of the noncustodial parent and the
11 custodial parent or caretaker relative;

12 3. The noncustodial parent's duty and ability to
13 provide support;

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

16 5. Any obligation to pay retroactive support;

17 6. The noncustodial parent's obligation to provide for
18 the health care needs of each child, whether through insurance
19 coverage, contribution towards the cost of insurance coverage,
20 payment or reimbursement of health care expenses for the
21 child, or any combination thereof;

22 7. The beginning date of any required monthly payments
23 and health care coverage;

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

26 9. That the parents, or caretaker relative if
27 applicable, must file with the department when the
28 administrative support order is rendered, if they have not
29 already done so, and update as appropriate the information
30 required pursuant to paragraph (13)(b); ~~and~~

31

1 10. That both parents, or parent and caretaker
2 relative if applicable, are required to promptly notify the
3 department of any change in their mailing addresses pursuant
4 to paragraph (13)(c); and

5 11. That if the noncustodial parent receives
6 unemployment compensation benefits, the payor shall withhold
7 and transmit to the department 40 percent of the benefits for
8 payment of support, not to exceed the amount owed.

9
10 An income deduction order as provided by s. 61.1301 must be
11 incorporated into the administrative support order or, if not
12 incorporated into the administrative support order, the
13 department or the Division of Administrative Hearings shall
14 render a separate income deduction order.

15 (8) FILING WITH THE CLERK OF THE CIRCUIT COURT;
16 OFFICIAL PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.--The
17 department shall file with the clerk of the circuit court a
18 certified copy of an administrative support order rendered
19 under this section. The depository operated pursuant to s.
20 61.181 for the county where the administrative support order
21 has been filed shall:

22 (d) Perform all other duties required of a depository
23 with respect to a support order entered by a court of this
24 state.

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

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

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

10 (12) MODIFICATION OF ADMINISTRATIVE SUPPORT ORDER.--If
11 it has not been superseded by a subsequent court order, the
12 department may modify, suspend, or terminate an administrative
13 support order in a Title IV-D case prospectively, subject to
14 the requirements for modifications of judicial support orders
15 established in chapters 61 and 409, by following the same
16 procedures set forth in this section for establishing an
17 administrative support order, as applicable.

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

21 (a) The noncustodial parent and custodial parent must
22 execute and furnish to the department, no later than 20 days
23 after receipt of the notice of proceeding to establish
24 administrative support order, a financial affidavit in the
25 form prescribed by the department ~~in the Florida Family Law~~
26 ~~Rules of Procedure~~. An updated financial affidavit must be
27 executed and furnished to the department at the inception of
28 each proceeding to modify an administrative support order.
29 Caretaker relatives are not required to furnish financial
30 affidavits.

31

1 Section 8. Subsection (3) of section 409.25656,
2 Florida Statutes, is amended to read:

3 409.25656 Garnishment.--

4 (3) During the last 30 days of the 60-day period set
5 forth in subsection (1), the executive director or his or her
6 designee may levy upon such credits, personal property, or
7 debts. The levy must be accomplished by delivery of a notice
8 of levy by registered mail, upon receipt of which the person
9 possessing the credits, other personal property, or debts
10 shall transfer them to the department or pay to the department
11 the amount owed ~~by~~ ~~to~~ the obligor. If the department levies
12 upon securities and their value is less than the total amount
13 of the past due or overdue support, the person who has the
14 securities in his or her possession or under his or her
15 control shall liquidate the securities in a commercially
16 reasonable manner. After liquidation, the person shall
17 transfer to the department the proceeds, less any applicable
18 commissions, fees, or both, that are charged in the normal
19 course of business. If the value of the securities levied
20 upon exceeds the total amount of past due or overdue support,
21 the obligor may, within 7 days after receipt of the
22 department's notice of levy, instruct the person as to which
23 securities are to be sold in satisfaction of the past due or
24 overdue support. If the obligor does not provide instructions
25 for liquidation, the person shall liquidate sufficient
26 property to net the amount of past due or overdue support,
27 after applicable commissions, fees, or both, that are charged
28 in the normal course of business, in a commercially reasonable
29 manner starting with the securities purchased most recently.
30 After liquidation, the person shall transfer to the department
31 the total amount of past due or overdue support.

1 Section 9. Effective upon this act becoming a law,
2 subsections (1) and (2) of section 409.25658, Florida
3 Statutes, are amended to read:

4 409.25658 Use of unclaimed property for past due
5 support.--

6 (1) In a joint effort to facilitate the collection and
7 payment of past due support, the Department of Revenue, in
8 cooperation with the Department of Banking and Finance, shall
9 identify persons owing support collected through a court who
10 are presumed to have unclaimed ~~abandoned~~ property held by the
11 Department of Banking and Finance.

12 (2) The department shall periodically provide the
13 Department of Banking and Finance with an electronic file of
14 support obligors who owe past due support. The Department of
15 Banking and Finance shall conduct a data match of the file
16 against all apparent owners of unclaimed ~~abandoned~~ property
17 under chapter 717 and provide the resulting match list to the
18 department.

19 Section 10. Subsection (7) of section 409.2576,
20 Florida Statutes, is amended to read:

21 409.2576 State Directory of New Hires.--

22 (7) WAGE WITHHOLDING NOTICE AND NATIONAL MEDICAL
23 SUPPORT NOTICE.--~~The department--Not later than October 1,~~
24 ~~1998, the Title IV-D agency~~ shall transmit a wage withholding
25 notice consistent with s. 61.1301 and a national medical
26 support notice, as defined in s. 61.046, when appropriate,to
27 the employee's employer within 2 business days of entry of the
28 new hire information into the State Directory of New Hires'
29 database, unless the court has determined that the employee's
30 wages are not subject to withholding or, for purposes of the
31 national medical support notice, the support order does not

1 contain a provision for the employee to provide health care
2 coverage. The withholding notice shall direct the employer to
3 withhold income in accordance with the income deduction order
4 and the national medical support notice shall direct the
5 employer to withhold premiums for health care coverage.

6 Section 11. Subsection (5) of section 61.1826, Florida
7 Statutes, is repealed.

8 Section 12. Except as otherwise provided herein, this
9 act shall take effect July 1, 2002.

10 *****

11 HOUSE SUMMARY

12
13 Revises procedures relating to enforcement of the health
14 care coverage requirements of child support orders and
15 incorporates procedures for Title IV-D cases using the
16 national medical support notice. Specifies
17 responsibilities of the obligor's union, employer, and
18 health plan administrator upon receipt of such notice.
19 Provides limitations on amounts that may be withheld by a
20 union or employer in compliance with a support order.
21 Provides procedures for modification of a support order
22 found by Department of Revenue review to deviate by 10
23 percent or more from child support guideline amounts.
24 Continues the increased fee charged to child support
25 obligors by the State Disbursement Unit. Modifies
26 procedures under the pilot program for administrative
27 establishment of support obligations. Requires
28 administrative orders to provide for withholding of up to
29 40 percent of unemployment compensation benefits for
30 payment of child support. Authorizes the department to
31 suspend or terminate, as well as modify, an
administrative support order prospectively under certain
circumstances. Provides procedures for liquidation of
securities to satisfy past due or overdue child support
obligations. Repeals requirement that OPPAGA conduct
comprehensive performance reviews of the State
Disbursement Unit and the State Case Registry. See bill
for details.