

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Crow offered the following:

13 **Amendment (with title amendment)**

14 Remove everything after the enacting clause

16 and insert:

17 Section 1. Paragraph (c) of subsection (14) of section
18 120.80, Florida Statutes, is amended to read:

19 120.80 Exceptions and special requirements;
20 agencies.--

21 (14) DEPARTMENT OF REVENUE.--

22 (c) Proceedings for administrative ~~child~~ support
23 orders.--~~Notwithstanding the provisions of s. 120.569 or s.~~
24 ~~120.57 to the contrary,~~In proceedings for the establishment
25 of administrative support orders pursuant to s. 409.2563,
26 final orders in cases referred by the Department of Revenue to
27 the Division of Administrative Hearings shall be entered by
28 the division's administrative law judge and transmitted to the
29 Department of Revenue for filing and rendering ~~indexing~~. The
30 Department of Revenue has the right to seek judicial review
31 under s. 120.68 of a final order entered by an administrative

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1 law judge. Administrative support orders rendered pursuant to
2 s. 409.2563 may be enforced pursuant to s. 120.69 or,
3 alternatively, by any method prescribed by law for the
4 enforcement of judicial support orders, except contempt.

5 Section 2. Subsection (3) of section 409.2557, Florida
6 Statutes, is amended to read:

7 409.2557 State agency for administering child support
8 enforcement program.--

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

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

16 (b) Confidentiality and retention of department
17 records; access to records; record requests;

18 (c) Department trust funds;

19 (d) Federal funding procedures;

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

23 (f) Written agreements entered into between the
24 department and support obligors in establishment, enforcement,
25 and modification proceedings;

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

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

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1 service of process;

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

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

19 (k) Report information to and receive information from
20 other agencies and entities;

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

23 (m) Privatizing location, establishment, enforcement,
24 modification, and other functions;

25 (n) State case registry;

26 (o) State disbursement unit; ~~and~~

27 (p) Administrative proceedings to establish
28 child-support obligations; and

29 (q)~~(p)~~ All other responsibilities of the department as
30 required by state or federal law.

31 Section 3. Section 409.2563, Florida Statutes, is

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1 amended to read:

2 409.2563 ~~Pilot program~~ for Administrative
3 establishment of child support obligations.--

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

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

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

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

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

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

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

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

3
4 Other terms used in this section have the meanings ascribed in
5 ss. 61.046 and 409.2554.

6 (2) PURPOSE AND SCOPE.--

7 (a) It is not the Legislature's intent to limit the
8 jurisdiction of the circuit courts to hear and determine
9 issues regarding child support. This section is intended to
10 provide the department with an alternative procedure for
11 establishing child support obligations in Title IV-D cases in
12 a fair and expeditious manner when there is no court order of
13 support. The procedures in this section are effective
14 throughout the state and shall be implemented statewide.

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

27 (c) If there is no support order for a child in a
28 Title IV-D case whose paternity has been established or is
29 presumed by law, the department may establish the ~~a~~
30 noncustodial parent's child support obligation pursuant to
31 this section, s. 61.30, and other relevant provisions of state

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1 law. The noncustodial parent's obligation determined by the
2 department may include any obligation to pay retroactive
3 support and any obligation to provide for health care for a
4 child, whether through insurance coverage, reimbursement of
5 expenses, or both. The department may proceed on behalf of:

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

8 2. A former recipient of public assistance, as
9 provided by s. 409.2569;

10 3. An individual who has applied for services as
11 provided by s. 409.2567;

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

13 5. A state or local government of another state, as
14 provided by chapter 88.

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

22 (e) Pursuant to paragraph (b), neither the department
23 nor the Division of Administrative Hearings have jurisdiction
24 to award or change child custody or rights of parental
25 contact. Either parent may at any time file a civil action in
26 a circuit having jurisdiction and proper venue for a
27 determination of child custody and rights of parental contact.

28 (f) The department shall terminate the administrative
29 proceeding and file an action in circuit court to determine
30 support if within 20 days after receipt of the initial notice
31 the noncustodial parent requests in writing that the

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1 department proceed in circuit court or states in writing the
2 noncustodial parent's intention to address issues concerning
3 custody or rights to parental contact in court and if within
4 10 days after receipt of the department's petition and waiver
5 of service the noncustodial parent signs and returns the
6 waiver of service form to the department.

7 (g) The notices and orders issued by the department
8 under this section shall be written clearly and plainly.

9 (3) JURISDICTION OVER NONRESIDENTS.--The department may use
10 the procedures authorized by this section to establish a child
11 support obligation against a nonresident over whom the state
12 may assert personal jurisdiction under chapter 48 or chapter
13 88.

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

20 (a) The names of both parents, the name of the
21 caretaker relative, if any, and the name and date of birth of
22 the child or children;

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

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

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

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1 (e) 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 to ensure
4 receipt of all subsequent pleadings, notices, and orders, as
5 provided by paragraph (13)(c);

6 (f) That the department will calculate support
7 obligations based on the child support guidelines in s. 61.30
8 and using all available information, as provided by paragraph
9 (5)(a), and will incorporate such obligations into a proposed
10 administrative support order;

11 (g) That the department will send by regular mail to
12 both parents, or parent and caretaker relative if applicable,
13 a copy of the proposed administrative support order, the
14 department's child support worksheet, and any financial
15 affidavits submitted by a parent or prepared by the
16 department;

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

22 (i) That if the noncustodial parent does not file a
23 timely request for hearing after service of the proposed
24 administrative support order, the department will issue an
25 administrative support order that incorporates the findings of
26 the proposed administrative support order, and will send by
27 regular mail a copy of the administrative support order to
28 both parents, or parent and caretaker relative if applicable;

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

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1 (k) That after an administrative support order is
2 rendered, the department may enforce the administrative
3 support order by any lawful means; ~~and~~

4 (l) That either parent, or caretaker relative if
5 applicable, may file at any time a civil action in a circuit
6 court having jurisdiction and proper venue to determine the
7 noncustodial parent's child support obligations, if any, and
8 that a support order issued by a circuit court supersedes an
9 administrative support order rendered by the department;—

10 (m) That, neither the department nor the Division of
11 Administrative Hearings have jurisdiction to award or change
12 child custody or rights of parental contact and these issues
13 may only be addressed in circuit court. If the noncustodial
14 parent has issues regarding child custody or right of parental
15 contact or requests to proceed in circuit court the
16 noncustodial parent may request in writing that the department
17 proceed in circuit court to determine support and the
18 noncustodial parent must make such request in writing within
19 20 days after receipt of the initial notice. Upon such
20 request the department shall send the noncustodial parent by
21 regular mail a copy of the department's petition and waiver of
22 service form. The noncustodial parent must sign and return
23 the waiver of service form, within 10 days of receipt of the
24 petition at which time the department shall terminate the
25 administrative proceeding and file an action in circuit court
26 to determine support;

27 (n) That if the noncustodial parent files an action in
28 circuit court and serves the department with a copy of the
29 petition within 20 days after being served notice under this
30 subsection, the administrative process ends without prejudice
31 and the action must proceed in circuit court;

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1 (o) Information provided by the Office of State Courts
2 Administrator concerning the availability and location of
3 self-help programs for those who wish to file an action in
4 circuit court but who cannot afford an attorney.

5
6 The department may serve the notice of proceeding to establish
7 administrative support order by certified mail, restricted
8 delivery, return receipt requested. Alternatively, the
9 department may serve the notice by any means permitted for
10 service of process in a civil action. For purposes of this
11 section, an authorized employee of the department may serve
12 the notice and execute an affidavit of service. Service by
13 certified mail is completed when the certified mail is
14 received or refused by the addressee or by an authorized agent
15 as designated by the addressee in writing. If a person other
16 than the addressee signs the return receipt, the department
17 shall attempt to reach the addressee by telephone to confirm
18 whether the notice was received, and the department shall
19 document any telephonic communications. If someone other than
20 the addressee signs the return receipt, the addressee does not
21 respond to the notice, and the department is unable to confirm
22 that the addressee has received the notice, service is not
23 completed and the department shall attempt to have the
24 addressee served personally.The department shall provide the
25 custodial parent or caretaker relative with a copy of the
26 notice by regular mail to the last known address of the
27 custodial parent or caretaker.

28 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

29 (a) After serving notice upon the noncustodial parent
30 in accordance with subsection (4), the department shall
31 calculate the noncustodial parent's child support obligation

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1 under the child support guidelines as provided by s. 61.30,
2 based on any timely financial affidavits received and other
3 information available to the department. If either parent
4 fails to comply with the requirement to furnish a financial
5 affidavit, the department may proceed on the basis of
6 information available from any source, if such information is
7 sufficiently reliable and detailed to allow calculation of
8 guideline amounts under s. 61.30. If the custodial parent
9 receives public assistance and fails to submit a financial
10 affidavit, the department may submit a financial affidavit for
11 the custodial parent pursuant to s. 61.30(15). If there is a
12 lack of sufficient reliable information concerning a parent's
13 actual earnings for a current or past period, it shall be
14 presumed for the purpose of establishing a support obligation
15 that the parent had an earning capacity equal to the federal
16 minimum wage during the applicable period.

17 (b) The department shall send by regular mail to both
18 parents, or to a parent and caretaker relative if applicable,
19 copies of the proposed administrative support order, its
20 completed child support worksheet, and any financial
21 affidavits submitted by a parent or prepared by the
22 department. The proposed administrative support order must
23 contain the same elements as required for an administrative
24 support order under paragraph (7)(e).

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

28 1. The noncustodial parent may, within 20 days after
29 the date of mailing or other service of the proposed
30 administrative support order, request a hearing by filing a
31 written request for hearing in a form and manner specified by

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1 the department;

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

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

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

12 5. The noncustodial parent may, within 10 days after
13 the date of mailing or other service of the proposed
14 administrative support order, contact a department
15 representative, at the address or telephone number specified
16 in the notice, to informally discuss the proposed
17 administrative support order and, if informal discussions are
18 requested timely ~~and held within a reasonable time~~, the time
19 for requesting a hearing will be extended until 10 days after
20 the department notifies the noncustodial parent that the
21 informal discussions have been concluded; and

22 6. If an administrative support order that establishes
23 a noncustodial parent's support obligation is rendered,
24 whether after a hearing or without a hearing, the department
25 may enforce the administrative support order by any lawful
26 means.

27 (d) If, after serving the proposed administrative
28 support order but before a final administrative support order
29 is rendered, the department receives additional information
30 that makes it necessary to amend the proposed administrative
31 support order, it shall prepare an amended proposed

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1 administrative support order, with accompanying amended child
2 support worksheets and other material necessary to explain the
3 changes, and follow the same procedures set forth in
4 paragraphs (b) and (c).

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

16 (7) ADMINISTRATIVE SUPPORT ORDER.--

17 (a) If a hearing is held, ~~notwithstanding ss. 120.569~~
18 ~~and 420.57,~~ the administrative law judge of the Division of
19 Administrative Hearings shall issue an administrative support
20 order, or a final order denying an administrative support
21 order, which constitutes final agency action by the
22 department. The Division of Administrative Hearings shall
23 transmit any such order to the department for filing and
24 rendering indexing.

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

28 (c) If the noncustodial parent waives the right to a
29 hearing, or consents in writing to the entry of an order
30 without a hearing, the department may render an administrative
31 support order.

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1 (d) The department shall send by regular mail a copy
2 of the administrative support order, or the final order
3 denying an administrative support order, to both parents, or a
4 parent and caretaker relative if applicable. The noncustodial
5 parent shall be notified of the right to seek judicial review
6 of the administrative support order in accordance with s.
7 120.68.

8 (e) An administrative support order must comply with
9 s. 61.30. The department, ~~after consultation with the Division~~
10 ~~of Administrative Hearings and the chief judge of the circuit~~
11 ~~in which the pilot program is located,~~ shall develop a
12 standard form or forms for administrative support orders. An
13 administrative support order must provide and state findings,
14 if applicable, concerning:

15 1. The full name and date of birth of the child or
16 children;

17 2. The name of the noncustodial parent and the
18 custodial parent or caretaker relative;

19 3. The noncustodial parent's duty and ability to
20 provide support;

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

23 5. Any obligation to pay retroactive support;

24 6. The noncustodial parent's obligation to provide for
25 the health care needs of each child, whether through insurance
26 coverage, contribution towards the cost of insurance coverage,
27 payment or reimbursement of health care expenses for the
28 child, or any combination thereof;

29 7. The beginning date of any required monthly payments
30 and health care coverage;

31 8. That all support payments ordered must be paid to

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1 the Florida State Disbursement Unit as provided by s. 61.1824;

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

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

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

15
16 An income deduction order as provided by s. 61.1301 must be
17 incorporated into the administrative support order or, if not
18 incorporated into the administrative support order, the
19 department or the Division of Administrative Hearings shall
20 render a separate income deduction order.

21 (8) FILING WITH THE CLERK OF THE CIRCUIT COURT;
22 OFFICIAL PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.--The
23 department shall file with the clerk of the circuit court a
24 certified copy of an administrative support order rendered
25 under this section. The depository operated pursuant to s.
26 61.181 for the county where the administrative support order
27 has been filed shall:

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

30 (b) Establish and maintain the necessary payment
31 accounts;

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

3 (d) Perform all other duties required of a depository
4 with respect to a support order entered by a court of this
5 state.

6 (9) COLLECTION ACTION; ENFORCEMENT.--

7 (a) The department may implement an income deduction
8 notice immediately upon rendition of an income deduction
9 order, whether it is incorporated in the administrative
10 support order or rendered separately.

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

14 (c) In a subsequent proceeding to enforce an
15 administrative support order, notice of the proceeding that is
16 sent by regular mail to the person's address of record
17 furnished to the department constitutes adequate notice of the
18 proceeding pursuant to paragraph (13)(c).

19 (d) An administrative support order rendered under
20 this section has the same force and effect as court order and,
21 until modified by the department or superseded by a court
22 order, may be enforced:

23 1. In any manner permitted for enforcement of a
24 support order issued by a court of this state, except for
25 contempt; or

26 2. Pursuant to s. 120.69.

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

29 (a) A noncustodial parent has the right to seek
30 judicial review of an administrative support order or a final
31 order denying an administrative support order in accordance

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1 with s. 120.68. The department has the right to seek judicial
2 review, in accordance with s. 120.68, of an administrative
3 support order or a final order denying an administrative
4 support order entered by an administrative law judge of the
5 Division of Administrative Hearings.

6 (b) An administrative support order rendered under
7 this section has the same force and effect as a court order
8 and may be enforced by any circuit court in the same manner as
9 a support order issued by the court, except for contempt. If
10 the circuit court issues its own order enforcing ~~based on~~ the
11 administrative support order, the circuit court may enforce
12 its own order by contempt. The presumption of ability to pay
13 and purge contempt established in s. 61.14(5)(a) applies to an
14 administrative support order that includes a finding of
15 present ability to pay. Enforcement by the court, without any
16 change by the court in the support obligations established in
17 the administrative support order, does not supersede the
18 administrative support order or affect the department's
19 authority to modify the administrative support order as
20 provided by subsection (12). An order by the court that
21 requires the noncustodial parent to make periodic payments on
22 arrearages does not constitute a change in the support
23 obligations established in the administrative support order
24 and does not supersede the administrative order.

25 (c) A circuit court of this state, where venue is
26 proper and the court has jurisdiction of the parties, may
27 enter an order prospectively changing the support obligations
28 established in an administrative support order, in which case
29 the administrative support order is superseded and the court's
30 order shall govern future proceedings in the case. Any unpaid
31 support owed under the superseded administrative support order

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

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

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

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

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

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

29 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT
30 TO ADDRESS OF RECORD.--In all proceedings pursuant to this
31 section:

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

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

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

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1 most recent address furnished by the person.

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

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

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

17 (17) EVALUATION PILOT PROGRAM.--

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

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

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1 (b) The Office of Program Policy Analysis and
2 Government Accountability shall conduct an evaluation of the
3 statewide implementation of the administrative process for
4 establishing child support provided for in this section. This
5 evaluation shall examine whether these processes have been
6 effectively implemented and administered statewide and are
7 operating to the benefit of the children, including, but not
8 limited to the ability of Title IV-D parents to easily access
9 the court system for necessary court action. The Office of
10 Program Policy Analysis and Government Accountability shall
11 submit an evaluation report on the statewide implementation of
12 the administrative processes for establishing child support by
13 January 31, 2005.

14 Section 4. The Legislature finds that many
15 child-support services require judicial action and that such
16 services depend heavily on coordination between judges,
17 quasi-judicial officers, clerks of court, sheriffs, private
18 process servers, public and private attorneys, the Department
19 of Revenue as the state's Title IV-D Child Support Enforcement
20 Program, and other state, public, and private agencies. In
21 order to improve child-support services provided to families,
22 these partners must work together to identify and implement
23 process improvements. Therefore, it is the intent of the
24 Legislature that the Department of Revenue continue its
25 ongoing efforts to identify, implement, and support efforts to
26 improve the judicial process and, more specifically, that the
27 Department of Revenue work with all partners to implement the
28 recommendations in the Court Child Support Process Improvement
29 Project Final Report, January 2002. The Legislature also finds
30 that there are many children who are born to unmarried parents
31 and whose paternity has not be legally established. The

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1 Legislature recognizes that parental interaction enhances a
2 child's physical and psychological well-being. Therefore, the
3 Legislature directs the Department of Revenue to study the
4 feasibility of an administrative process, for the
5 establishment of paternity in Title IV-D cases. In developing
6 the administrative process the Department shall consider
7 procedures used in other states and shall consult affected
8 parties. The Department of Revenue shall submit a report to
9 the Governor and Cabinet, the President of the Senate, the
10 Speaker of the House of Representatives, and the Majority and
11 Minority Leaders of the House and Senate by December 1, 2002.
12 Such report may contain proposed legislation creating an
13 administrative process based on the findings of the study.

14 Section 5. This act shall take effect upon becoming a
15 law.

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

19 And the title is amended as follows:

20 remove: entire title

22 and insert:

23 A bill to be entitled
24 An act relating to the administrative
25 establishment of child support; amending s.
26 120.80, F.S.; providing for immediate judicial
27 review of any such order; providing for
28 enforcement; amending s. 409.2557, F.S.;
29 authorizing the Department of Revenue to adopt
30 rules for administrative proceedings to
31 establish child-support obligations; amending

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1 s. 409.2563, F.S.; revising the pilot program
2 for administrative establishment of
3 child-support obligations; providing for
4 statewide application of the procedures
5 established under the pilot program; providing
6 process for optional pursuit of judicial
7 process; providing for the withholding of a
8 specified portion of a noncustodial parent's
9 unemployment compensation; authorizing the
10 Division of Administrative Hearings to render
11 an income deduction order; providing for the
12 use of a financial affidavit as prescribed by
13 the department; requiring an evaluation of the
14 administrative process for establishing
15 child-support obligations; requiring the Office
16 of Program Policy Analysis and Government
17 Accountability to conduct an evaluation of the
18 statewide implementation of the administrative
19 processes for child support; requiring a report
20 by January 31, 2005; providing legislative
21 intent regarding support for administrative
22 child-support process; directing the Department
23 of Revenue to study the feasibility of an
24 administrative process for the establishment of
25 paternity in Title IV cases; providing an
26 effective date.

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