

Amendment No. 06 (for drafter's use only)

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

Representative(s) Crow offered the following:

Amendment (with title amendment)

On page 30, between lines 26 and 27, of the bill

insert:

(9) COLLECTION ACTION; ENFORCEMENT.--

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

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

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

(d) An administrative support order rendered under this section has the same force and effect as a court order

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1 and, until modified by the department or superseded by a court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

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

6 2. Pursuant to s. 120.69.

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

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

17 (b) An administrative support order rendered under
18 this section has the same force and effect as a court order
19 and may be enforced by any circuit court in the same manner as
20 a support order issued by the court, except for contempt. If
21 the circuit court issues its own order ~~based on~~ enforcing the
22 administrative support order, the circuit court may enforce
23 its own order by contempt. The presumption of ability to pay
24 and purge contempt established in s. 61.14(5)(a) applies to an
25 administrative support order that includes a finding of
26 present ability to pay. Enforcement by the court, without any
27 change by the court in the support obligations established in
28 the administrative support order, does not supersede the
29 administrative support order or affect the department's
30 authority to modify the administrative support order as
31 provided by subsection (12). An order by the court that

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1 requires the noncustodial parent to make periodic payments on
2 arrearages does not constitute a change in the support
3 obligations established in the administrative support order
4 and does not supersede the administrative support order.

5 (c) A circuit court of this state, where venue is
6 proper and the court has jurisdiction of the parties, may
7 enter an order prospectively changing the support obligations
8 established in an administrative support order, in which case
9 the administrative support order is superseded and the court's
10 order shall govern future proceedings in the case. Any unpaid
11 support owed under the superseded administrative support order
12 may not be retroactively modified by the circuit court, except
13 as provided by s. 61.14(1)(a), and remains enforceable by the
14 department, by the obligee, or by the court. In all cases in
15 which an administrative support order is superseded, the court
16 shall determine the amount of any unpaid support owed under
17 the administrative support order and shall include the amount
18 as arrearage in its superseding order.

19 (11) EFFECTIVENESS OF ADMINISTRATIVE SUPPORT
20 ORDER.--An administrative support order rendered under this
21 section has the same force and effect as a court order and
22 remains in effect until modified by the department, vacated on
23 appeal, or superseded by a subsequent court order. If the
24 department closes a Title IV-D case in which an administrative
25 support order has been rendered:

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

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

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

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1 ===== T I T L E A M E N D M E N T =====
2 And the title is amended as follows:
3 On page 2, line 29,
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5 after the semicolon insert:
6 providing for an administrative order to have
7 the same force and effect as a court order;
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