

1 A bill to be entitled
2 An act relating to the administrative
3 establishment of child support; amending s.
4 120.80, F.S.; providing for immediate judicial
5 review of any such order; providing for
6 enforcement; amending s. 409.2557, F.S.;
7 authorizing the Department of Revenue to adopt
8 rules for administrative proceedings to
9 establish child-support obligations; amending
10 s. 409.2563, F.S.; revising the pilot program
11 for administrative establishment of
12 child-support obligations; providing for
13 statewide application of the procedures
14 established under the pilot program; providing
15 process for optional pursuit of judicial
16 process; providing for the withholding of a
17 specified portion of a noncustodial parent's
18 unemployment compensation; authorizing the
19 Division of Administrative Hearings to render
20 an income deduction order; providing for the
21 use of a financial affidavit as prescribed by
22 the department; requiring an evaluation of the
23 administrative process for establishing
24 child-support obligations; requiring the Office
25 of Program Policy Analysis and Government
26 Accountability to conduct an evaluation of the
27 statewide implementation of the administrative
28 processes for child support; requiring a report
29 by January 31, 2005; providing legislative
30 intent regarding support for administrative
31 child-support process; directing the Department

1 of Revenue to study the feasibility of an
2 administrative process for the establishment of
3 paternity in Title IV cases; providing an
4 effective date.

5

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

7

8 Section 1. Paragraph (c) of subsection (14) of section
9 120.80, Florida Statutes, is amended to read:

10 120.80 Exceptions and special requirements;
11 agencies.--

12 (14) DEPARTMENT OF REVENUE.--

13 (c) Proceedings for administrative ~~child~~ support
14 orders.--~~Notwithstanding the provisions of s. 120.569 or s.~~
15 ~~120.57 to the contrary,~~In proceedings for the establishment
16 of administrative support orders pursuant to s. 409.2563,
17 final orders in cases referred by the Department of Revenue to
18 the Division of Administrative Hearings shall be entered by
19 the division's administrative law judge and transmitted to the
20 Department of Revenue for filing and rendering ~~indexing~~. The
21 Department of Revenue has the right to seek judicial review
22 under s. 120.68 of a final order entered by an administrative
23 law judge. Administrative support orders rendered pursuant to
24 s. 409.2563 may be enforced pursuant to s. 120.69 or,
25 alternatively, by any method prescribed by law for the
26 enforcement of judicial support orders, except contempt.

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

29 409.2557 State agency for administering child support
30 enforcement program.--

31

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

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

8 (b) Confidentiality and retention of department
9 records; access to records; record requests;

10 (c) Department trust funds;

11 (d) Federal funding procedures;

12 (e) Agreements with law enforcement and other state
13 agencies; National Crime Information Center (NCIC) access;
14 Parent Locator Service access;

15 (f) Written agreements entered into between the
16 department and support obligors in establishment, enforcement,
17 and modification proceedings;

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

20 (h) Management of cases by the department involving
21 any documentation or procedures required by federal or state
22 law, including but not limited to, cooperation; review and
23 adjustment; audits; interstate actions; diligent efforts for
24 service of process;

25 (i) Department procedures for orders for genetic
26 testing; subpoenas to establish, enforce, or modify orders;
27 increasing the amount of monthly obligations to secure
28 delinquent support; suspending or denying driver's and
29 professional licenses and certificates; fishing and hunting
30 license suspensions; suspending vehicle and vessel
31 registrations; screening applicants for new or renewal

1 licenses, registrations, or certificates; income deduction;
2 credit reporting and accessing; tax refund intercepts;
3 passport denials; liens; financial institution data matches;
4 expedited procedures; medical support; and all other
5 responsibilities of the department as required by state or
6 federal law;

7 (j) Collection and disbursement of support and alimony
8 payments by the department as required by federal law;
9 collection of genetic testing costs and other costs awarded by
10 the court;

11 (k) Report information to and receive information from
12 other agencies and entities;

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

15 (m) Privatizing location, establishment, enforcement,
16 modification, and other functions;

17 (n) State case registry;

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

19 (p) Administrative proceedings to establish
20 child-support obligations; and

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

23 Section 3. Section 409.2563, Florida Statutes, is
24 amended to read:

25 409.2563 ~~Pilot program for~~ Administrative
26 establishment of child support obligations.--

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

28 (a) "Administrative support order" means a final order
29 rendered by or on behalf of the department pursuant to this
30 section establishing or modifying the obligation of a
31 noncustodial parent to contribute to the support and

1 maintenance of his or her child or children, which may include
2 provisions for monetary support, retroactive support, health
3 care, and other elements of support pursuant to chapter 61.

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

6 (c) "Filed" means a document has been received and
7 accepted for filing at the offices of the department by the
8 clerk or any authorized deputy clerk of the department. The
9 date of filing must be indicated on the face of the document
10 by the clerk or deputy clerk.

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

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

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

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

26
27 Other terms used in this section have the meanings ascribed in
28 ss. 61.046 and 409.2554.

29 (2) PURPOSE AND SCOPE.--

30 (a) It is not the Legislature's intent to limit the
31 jurisdiction of the circuit courts to hear and determine

1 issues regarding child support. This section is intended to
 2 provide the department with an alternative procedure for
 3 establishing child support obligations in Title IV-D cases in
 4 a fair and expeditious manner when there is no court order of
 5 support. The procedures in this section are effective
 6 throughout the state and shall be implemented statewide.

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

19 (c) If there is no support order for a child in a
 20 Title IV-D case whose paternity has been established or is
 21 presumed by law, the department may establish the ~~a~~
 22 noncustodial parent's child support obligation pursuant to
 23 this section, s. 61.30, and other relevant provisions of state
 24 law. The noncustodial parent's obligation determined by the
 25 department may include any obligation to pay retroactive
 26 support and any obligation to provide for health care for a
 27 child, whether through insurance coverage, reimbursement of
 28 expenses, or both. The department may proceed on behalf of:

- 29 1. An applicant or recipient of public assistance, as
 30 provided by ss. 409.2561 and 409.2567;

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

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

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

6 5. A state or local government of another state, as
7 provided by chapter 88.

8 (d) Either parent, or a caretaker relative if
9 applicable, may at any time file a civil action in a circuit
10 court having jurisdiction and proper venue to determine the
11 noncustodial parent's child support obligations, if any. A
12 support order issued by a circuit court prospectively
13 supersedes an administrative support order rendered by the
14 department.

15 (e) Pursuant to paragraph (b), neither the department
16 nor the Division of Administrative Hearings have jurisdiction
17 to award or change child custody or rights of parental
18 contact. Either parent may at any time file a civil action in
19 a circuit having jurisdiction and proper venue for a
20 determination of child custody and rights of parental contact.

21 (f) The department shall terminate the administrative
22 proceeding and file an action in circuit court to determine
23 support if within 20 days after receipt of the initial notice
24 the noncustodial parent requests in writing that the
25 department proceed in circuit court or states in writing the
26 noncustodial parent's intention to address issues concerning
27 custody or rights to parental contact in court and if within
28 10 days after receipt of the department's petition and waiver
29 of service the noncustodial parent signs and returns the
30 waiver of service form to the department.

31

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

3 (3) JURISDICTION OVER NONRESIDENTS.--The department may use
4 the procedures authorized by this section to establish a child
5 support obligation against a nonresident over whom the state
6 may assert personal jurisdiction under chapter 48 or chapter
7 88.

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

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

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

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

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

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

31

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

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

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

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

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

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

30 (l) That either parent, or caretaker relative if
31 applicable, may file at any time a civil action in a circuit

1 court having jurisdiction and proper venue to determine the
2 noncustodial parent's child support obligations, if any, and
3 that a support order issued by a circuit court supersedes an
4 administrative support order rendered by the department;—

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

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

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

31

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

23 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

24 (a) After serving notice upon the noncustodial parent
 25 in accordance with subsection (4), the department shall
 26 calculate the noncustodial parent's child support obligation
 27 under the child support guidelines as provided by s. 61.30,
 28 based on any timely financial affidavits received and other
 29 information available to the department. If either parent
 30 fails to comply with the requirement to furnish a financial
 31 affidavit, the department may proceed on the basis of

1 information available from any source, if such information is
2 sufficiently reliable and detailed to allow calculation of
3 guideline amounts under s. 61.30. If the custodial parent
4 receives public assistance and fails to submit a financial
5 affidavit, the department may submit a financial affidavit for
6 the custodial parent pursuant to s. 61.30(15). If there is a
7 lack of sufficient reliable information concerning a parent's
8 actual earnings for a current or past period, it shall be
9 presumed for the purpose of establishing a support obligation
10 that the parent had an earning capacity equal to the federal
11 minimum wage during the applicable period.

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

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

23 1. The noncustodial parent may, within 20 days after
24 the date of mailing or other service of the proposed
25 administrative support order, request a hearing by filing a
26 written request for hearing in a form and manner specified by
27 the department;

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

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

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

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

17 6. If an administrative support order that establishes
18 a noncustodial parent's support obligation is rendered,
19 whether after a hearing or without a hearing, the department
20 may enforce the administrative support order by any lawful
21 means.

22 (d) If, after serving the proposed administrative
23 support order but before a final administrative support order
24 is rendered, the department receives additional information
25 that makes it necessary to amend the proposed administrative
26 support order, it shall prepare an amended proposed
27 administrative support order, with accompanying amended child
28 support worksheets and other material necessary to explain the
29 changes, and follow the same procedures set forth in
30 paragraphs (b) and (c).

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

12 (7) ADMINISTRATIVE SUPPORT ORDER.--

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

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

24 (c) If the noncustodial parent waives the right to a
25 hearing, or consents in writing to the entry of an order
26 without a hearing, the department may render an administrative
27 support order.

28 (d) The department shall send by regular mail a copy
29 of the administrative support order, or the final order
30 denying an administrative support order, to both parents, or a
31 parent and caretaker relative if applicable. The noncustodial

1 parent shall be notified of the right to seek judicial review
2 of the administrative support order in accordance with s.
3 120.68.

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

11 1. The full name and date of birth of the child or
12 children;

13 2. The name of the noncustodial parent and the
14 custodial parent or caretaker relative;

15 3. The noncustodial parent's duty and ability to
16 provide support;

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

19 5. Any obligation to pay retroactive support;

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

25 7. The beginning date of any required monthly payments
26 and health care coverage;

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

29 9. That the parents, or caretaker relative if
30 applicable, must file with the department when the
31 administrative support order is rendered, if they have not

1 already done so, and update as appropriate the information
2 required pursuant to paragraph (13)(b); ~~and~~

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

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

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

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

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

26 (b) Establish and maintain the necessary payment
27 accounts;

28 (c) Upon a delinquency, initiate the judgment by
29 operation of law procedure as provided by s. 61.14(6); and
30
31

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

4 (9) COLLECTION ACTION; ENFORCEMENT.--

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

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

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

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

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

24 2. Pursuant to s. 120.69.

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

27 (a) A noncustodial parent has the right to seek
28 judicial review of an administrative support order or a final
29 order denying an administrative support order in accordance
30 with s. 120.68. The department has the right to seek judicial
31 review, in accordance with s. 120.68, of an administrative

1 support order or a final order denying an administrative
 2 support order entered by an administrative law judge of the
 3 Division of Administrative Hearings.

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

23 (c) A circuit court of this state, where venue is
 24 proper and the court has jurisdiction of the parties, may
 25 enter an order prospectively changing the support obligations
 26 established in an administrative support order, in which case
 27 the administrative support order is superseded and the court's
 28 order shall govern future proceedings in the case. Any unpaid
 29 support owed under the superseded administrative support order
 30 may not be retroactively modified by the circuit court, except
 31 as provided by s. 61.14(1)(a), and remains enforceable by the

1 department, by the obligee, or by the court. In all cases in
2 which an administrative support order is superseded, the court
3 shall determine the amount of any unpaid support owed under
4 the administrative support order and shall include the amount
5 as arrearage in its superseding order.

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

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

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

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

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

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

30 (a) The noncustodial parent and custodial parent must
31 execute and furnish to the department, no later than 20 days

1 after receipt of the notice of proceeding to establish
 2 administrative support order, a financial affidavit in the
 3 form prescribed by the department ~~in the Florida Family Law~~
 4 ~~Rules of Procedure~~. An updated financial affidavit must be
 5 executed and furnished to the department at the inception of
 6 each proceeding to modify an administrative support order.
 7 Caretaker relatives are not required to furnish financial
 8 affidavits.

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

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

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

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

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

16 (17) EVALUATION PILOT PROGRAM.--

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

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

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.

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