

By the Committees on Judiciary; Children and Families; and
Senator Peadar

308-2330-02

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 has 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 court 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 a civil action in circuit court to
23 determine child support if, within 20 days after receipt of
24 the initial notice, the noncustodial parent requests in
25 writing that the department proceed in circuit court or states
26 in writing the noncustodial parent's intent to address issues
27 concerning custody or rights to parental contact in court and
28 if, within 10 days after receipt of the department's petition
29 and waiver-of-service form, the noncustodial parent signs and
30 returns the waiver-of-service form to the department.

31

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

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

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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, if the noncustodial parent files a civil
6 action to determine child support in a circuit court having
7 jurisdiction and serves the department with a copy of the
8 petition within 20 days after being served notice under this
9 subsection, the department terminates the administrative
10 proceeding to determine child support without prejudice and
11 the action to determine child support must proceed in circuit
12 court;

13 (n) Information provided by the Office of the State
14 Courts Administrator concerning the availability and location
15 of self-help programs for those who wish to file an action in
16 circuit court but who cannot afford an attorney.

17 (o) That neither the department nor the Division of
18 Administrative Hearings has jurisdiction to award or change
19 child custody or rights of parental contact, and that issues
20 regarding child custody and rights of parental contact may be
21 addressed only by a circuit court having jurisdiction to
22 determine these issues; and

23 (p) That, if the noncustodial parent raises the issues
24 of child custody or rights of parental contact or requests to
25 proceed in circuit court, the noncustodial parent may request
26 in writing that the department proceed to determine child
27 support in the circuit court having jurisdiction as follows:

28 1. The noncustodial parent must make such request in
29 writing within 20 days after receipt of the initial notice,
30 and, upon such request, the department shall send to the
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1 noncustodial parent a copy of the department's petition and
2 waiver-of-service form by regular mail; and

3 2. The noncustodial parent must sign and return the
4 waiver-of-service form within 10 days after receipt of the
5 petition, and, upon the return of the signed waiver-of-service
6 form, the department shall terminate the administrative
7 proceeding and file a civil action for child support in
8 circuit court.

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

1 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

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

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

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

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

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

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

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

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

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

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1 (d) If, after serving the proposed administrative
2 support order but before a final administrative support order
3 is rendered, the department receives additional information
4 that makes it necessary to amend the proposed administrative
5 support order, it shall prepare an amended proposed
6 administrative support order, with accompanying amended child
7 support worksheets and other material necessary to explain the
8 changes, and follow the same procedures set forth in
9 paragraphs (b) and (c).

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

21 (7) ADMINISTRATIVE SUPPORT ORDER.--

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

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

4 (c) If the noncustodial parent waives the right to a
5 hearing, or consents in writing to the entry of an order
6 without a hearing, the department may render an administrative
7 support order.

8 (d) The department shall send by regular mail a copy
9 of the administrative support order, or the final order
10 denying an administrative support order, to both parents, or a
11 parent and caretaker relative if applicable. The noncustodial
12 parent shall be notified of the right to seek judicial review
13 of the administrative support order in accordance with s.
14 120.68.

15 (e) An administrative support order must comply with
16 s. 61.30. The department, ~~after consultation with the Division~~
17 ~~of Administrative Hearings and the chief judge of the circuit~~
18 ~~in which the pilot program is located,~~ shall develop a
19 standard form or forms for administrative support orders. An
20 administrative support order must provide and state findings,
21 if applicable, concerning:

22 1. The full name and date of birth of the child or
23 children;

24 2. The name of the noncustodial parent and the
25 custodial parent or caretaker relative;

26 3. The noncustodial parent's duty and ability to
27 provide support;

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

30 5. Any obligation to pay retroactive support;

31

1 6. The noncustodial parent's obligation to provide for
2 the health care needs of each child, whether through insurance
3 coverage, contribution towards the cost of insurance coverage,
4 payment or reimbursement of health care expenses for the
5 child, or any combination thereof;

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

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

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

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

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

23
24 An income deduction order as provided by s. 61.1301 must be
25 incorporated into the administrative support order or, if not
26 incorporated into the administrative support order, the
27 department or the Division of Administrative Hearings shall
28 render a separate income deduction order.

29 (8) FILING WITH THE CLERK OF THE CIRCUIT COURT;
30 OFFICIAL PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.--The
31 department shall file with the clerk of the circuit court a

1 certified copy of an administrative support order rendered
2 under this section. The depository operated pursuant to s.
3 61.181 for the county where the administrative support order
4 has been filed shall:

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

7 (b) Establish and maintain the necessary payment
8 accounts;

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

11 (d) Perform all other duties required of a depository
12 with respect to a support order entered by a court of this
13 state.

14 (9) COLLECTION ACTION; ENFORCEMENT.--

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

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

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

27 (d) An administrative support order rendered under
28 this section has the same force and effect as court order and,
29 until modified by the department or superseded by a court
30 order, may be enforced:

31

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

4 2. Pursuant to s. 120.69.

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

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

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

1 obligations established in the administrative support order
2 and does not supersede the administrative order.

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

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

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

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

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

30 (12) MODIFICATION OF ADMINISTRATIVE SUPPORT ORDER.--If
31 it has not been superseded by a subsequent court order, the

1 department may modify, suspend, or terminate an administrative
2 support order in a Title IV-D case prospectively, subject to
3 the requirements for modifications of judicial support orders
4 established in chapters 61 and 409, by following the same
5 procedures set forth in this section for establishing an
6 administrative support order, as applicable.

7 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT
8 TO ADDRESS OF RECORD.--In all proceedings pursuant to this
9 section:

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

20 (b) The noncustodial parent, custodial parent, and
21 caretaker relative if applicable, shall disclose to the
22 department, no later than 20 days after receipt of the notice
23 of proceeding to establish administrative support order, and
24 update as appropriate, information regarding their identity
25 and location, including names they are known by; social
26 security numbers; residential and mailing addresses; telephone
27 numbers; driver's license numbers; and names, addresses, and
28 telephone numbers of employers. Pursuant to the federal
29 Personal Responsibility and Work Opportunity Reconciliation
30 Act of 1996, each person must provide his or her social
31 security number in accordance with this section. Disclosure of

1 social security numbers obtained through this requirement
2 shall be limited to the purpose of administration of the Title
3 IV-D program for child support enforcement.

4 (c) The noncustodial parent, custodial parent, and
5 caretaker relative, if applicable, have a continuing
6 obligation to promptly inform the department in writing of any
7 change in their mailing addresses to ensure receipt of all
8 subsequent pleadings, notices, payments, statements, and
9 orders, and receipt is presumed if sent by regular mail to the
10 most recent address furnished by the person.

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

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

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

26 (17) EVALUATION ~~PILOT PROGRAM~~.--

27 (a) For the purpose of identifying measurable outcomes
28 and evaluating the administrative process created by this
29 section, a study area, the pilot program shall be established.
30 The study area must be located in a county selected by the
31 Department of Revenue having a population of fewer than

1 500,000, in which the Title IV-D caseload did not exceed
2 20,000 cases, and the obligation rate was approximately 65
3 percent at the end of the 1999-2000 fiscal year. The
4 Department of Revenue shall develop measurable outcomes that
5 at a minimum consist of the department's support order
6 establishment performance measures that are applicable to the
7 administrative process ~~this pilot program~~, a measure of the
8 effectiveness of the administrative process ~~pilot program~~ in
9 establishing support orders as compared to the judicial
10 process, and a measure of the cost efficiency of the
11 administrative process ~~pilot program~~ as compared to the
12 judicial process. ~~The Department of Revenue and the Division~~
13 ~~of Administrative Hearings shall implement the pilot program~~
14 ~~established by this section on July 1, 2001, or as soon~~
15 ~~thereafter as practicable.~~The department shall use the
16 procedures of this section to establish support obligations in
17 Title IV-D cases on behalf of custodial parents or caretaker
18 relatives residing in the county selected for the study area
19 ~~pilot program~~. By June 30, 2002, the Department of Revenue
20 shall submit a report on the implementation of the
21 administrative process in the study area ~~pilot program~~ to the
22 Governor and Cabinet, the President of the Senate, and the
23 Speaker of the House of Representatives. The Office of Program
24 Policy Analysis and Government Accountability shall conduct an
25 evaluation of the operation and impact of the administrative
26 process in the study area ~~pilot program~~. In evaluating the
27 administrative process ~~pilot program~~, achievement of the
28 measurable outcomes must be considered. The Office of Program
29 Policy Analysis and Government Accountability shall submit an
30 evaluation report on the administrative process in the study
31 area ~~pilot program~~ by June 30, 2003, which must include the

1 findings of the evaluation, ~~the feasibility of a statewide~~
2 ~~program,~~ and any recommendations to improve the administrative
3 process established by this section, if any, for establishing
4 ~~a statewide program. The pilot program expires June 30, 2004,~~
5 ~~unless continued by action of the Legislature. The department~~
6 shall report to the Governor and Cabinet, the President of the
7 Senate, and the Speaker of the House of Representatives by
8 June 30, 2004, on the implementation and results of the
9 procedures established by this section.

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

23 Section 4. The Legislature finds that many
24 child-support services require judicial action and that such
25 services depend heavily on coordination between judges,
26 quasi-judicial officers, clerks of court, sheriffs, private
27 process servers, public and private attorneys, the Department
28 of Revenue as the state's Title IV-D Child Support Enforcement
29 Program, and other state, public, and private agencies. In
30 order to improve child-support services provided to families,
31 these partners must work together to identify and implement

1 process improvements. Therefore, it is the intent of the
2 Legislature that the Department of Revenue continue its
3 ongoing efforts to identify, implement, and support efforts to
4 improve the judicial process and, more specifically, that the
5 Department of Revenue work with all partners to implement the
6 recommendations in the Court Child Support Process Improvement
7 Project Final Report, January 2002. The Legislature also finds
8 that there are many children who are born to unmarried parents
9 and whose paternity has not been legally established. The
10 Legislature recognizes that parental interaction enhances a
11 child's physical and psychological well-being. Therefore, the
12 Legislature directs the Department of Revenue to study the
13 feasibility of an administrative process, for the
14 establishment of paternity in Title IV-D cases. In developing
15 the administrative process the Department shall consider
16 procedures used in other states and shall consult affected
17 parties. The Department of Revenue shall submit a report to
18 the Governor and Cabinet, the President of the Senate, the
19 Speaker of the House of Representatives, and the Majority and
20 Minority Leaders of the House and Senate by December 1, 2002.
21 Such report may contain proposed legislation creating an
22 administrative process based on the findings of the study.

23 Section 5. This act shall take effect upon becoming a
24 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for Senate Bill 2012
4 Deletes provisions relating to the creation of an
5 administrative process for the establishment of paternity in
6 specified cases.
7 Deletes provisions relating to the expansion of the Department
8 of Revenue's authority to establish child support in specified
9 cases.
10 Revises provisions for increased notice and service
11 requirements in the administrative process for the
12 establishment of child support.
13 Requires a study on the feasibility of an administrative
14 process for the establishment of paternity in specified cases.
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