



CHAMBER ACTION

The Committee on Judiciary recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to child support; amending s. 61.046, F.S.; redefining the term "support order" for purposes of ch. 61, F.S., to include an order of an administrative agency; amending s. 61.13, F.S.; deleting the requirement that a child support order include the minor's social security number; amending s. 61.181, F.S.; requiring the clerk of the court to establish an account for interstate cases; providing for the continuation of a fee; amending s. 120.80, F.S.; providing for the location of an administrative hearing; amending ss. 382.013 and 382.016, F.S.; permitting voluntary acknowledgements of paternity which are witnessed; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules to administer the withholding of insurance payments; amending s. 409.2558, F.S.; providing for a notice to the noncustodial parent in applying an undistributable support collection to another support order; amending s. 409.2561, F.S.; providing for the Department of Revenue to establish



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29 | the obligation of support; amending s. 409.2563, F.S.;

30 | providing for the noncustodial parent to request that the

31 | Department of Revenue proceed in circuit court to

32 | determine the support obligation; revising the

33 | requirements under which a noncustodial parent may

34 | petition the circuit court to determine the support

35 | obligation; providing that the Department of Revenue is a

36 | party to court action only with respect to issues of

37 | support; amending s. 409.25656, F.S.; providing for the

38 | recovery of fees in liquidating securities for the support

39 | owed; creating s. 409.25659, F.S.; providing for

40 | withholding insurance payments for unpaid support;

41 | providing definitions; specifying the duties of the

42 | insurer; providing that unpaid support constitutes a lien

43 | against an insurance claim; providing for notice to the

44 | obligor; providing for payment to the Department of

45 | Revenue; providing for an exemption for certain fees and

46 | expenses; providing rulemaking authority; amending s.

47 | 409.257, F.S.; permitting the use of any means of service

48 | of process under ch. 48, F.S.; amending s. 409.2572, F.S.;

49 | revising the definition of noncooperation or failure to

50 | cooperate as applied to an applicant for or a recipient of

51 | public assistance; amending s. 409.259, F.S.; revising the

52 | manner of reimbursement to the clerk of the court for

53 | court filings in Title IV-D cases; creating s. 440.123,

54 | F.S.; requiring an insurer paying workers' compensation

55 | insurance to inquire about unpaid child support; amending

56 | s. 440.20, F.S.; requiring the judge of compensation



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57 | claims to obtain information on the support owed; amending
58 | s. 742.10, F.S.; permitting voluntary acknowledgements of
59 | paternity which are witnessed; providing effective dates.
60 |

61 | Be It Enacted by the Legislature of the State of Florida:
62 |

63 | Section 1. Subsection (19) of section 61.046, Florida
64 | Statutes, is amended to read:

65 | 61.046 Definitions.--As used in this chapter:

66 | (19) "Support order" means a judgment, decree, or order,
67 | whether temporary or final, issued by a court of competent
68 | jurisdiction or administrative agency for the support and
69 | maintenance of a child which provides for monetary support,
70 | health care, arrearages, or past support. When the child support
71 | obligation is being enforced by the Department of Revenue, the
72 | term "support order" also means a judgment, decree, or order,
73 | whether temporary or final, issued by a court of competent
74 | jurisdiction for the support and maintenance of a child and the
75 | spouse or former spouse of the obligor with whom the child is
76 | living which provides for monetary support, health care,
77 | arrearages, or past support.

78 | Section 2. Paragraph (d) of subsection (1) of section
79 | 61.13, Florida Statutes, is amended to read:

80 | 61.13 Custody and support of children; visitation rights;
81 | power of court in making orders.--

82 | (1)

83 | (d)1. Unless the provisions of subparagraph 3. apply, all
84 | child support orders entered on or after January 1, 1985, shall



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85 direct that the payments of child support be made as provided in
86 s. 61.181 through the depository in the county where the court
87 is located. All child support orders shall provide the full
88 name, and date of birth, ~~and social security number~~ of each
89 minor child who is the subject of the child support order.

90 2. Unless the provisions of subparagraph 3. apply, all
91 child support orders entered before January 1, 1985, shall be
92 modified by the court to direct that payments of child support
93 shall be made through the depository in the county where the
94 court is located upon the subsequent appearance of either or
95 both parents to modify or enforce the order, or in any related
96 proceeding.

97 3. If both parties request and the court finds that it is
98 in the best interest of the child, support payments need not be
99 directed through the depository. The order of support shall
100 provide, or shall be deemed to provide, that either party may
101 subsequently apply to the depository to require direction of the
102 payments through the depository. The court shall provide a copy
103 of the order to the depository.

104 4. If the parties elect not to require that support
105 payments be made through the depository, any party may
106 subsequently file an affidavit with the depository alleging a
107 default in payment of child support and stating that the party
108 wishes to require that payments be made through the depository.
109 The party shall provide copies of the affidavit to the court and
110 to each other party. Fifteen days after receipt of the
111 affidavit, the depository shall notify both parties that future
112 payments shall be paid through the depository.



113 5. In IV-D cases, the IV-D agency shall have the same
114 rights as the obligee in requesting that payments be made
115 through the depository.

116 Section 3. Effective July 1, 2003, subsections (1) and (2)
117 of section 61.181, Florida Statutes, are amended to read:

118 61.181 Depository for alimony transactions, support,
119 maintenance, and support payments; fees.--

120 (1)(a) The office of the clerk of the court shall operate
121 a depository unless the depository is otherwise created by
122 special act of the Legislature or unless, prior to June 1, 1985,
123 a different entity was established to perform such functions.
124 The department shall, no later than July 1, 1998, extend
125 participation in the federal child support cost reimbursement
126 program to the central depository in each county, to the maximum
127 extent possible under existing federal law. The depository shall
128 receive reimbursement for services provided under a cooperative
129 agreement with the department pursuant to s. 61.1826. Each
130 depository shall participate in the State Disbursement Unit and
131 shall implement all statutory and contractual duties imposed on
132 the State Disbursement Unit. Each depository shall receive from
133 and transmit to the State Disbursement Unit required data
134 through the Clerk of Court Child Support Enforcement Collection
135 System. Payments on non-Title IV-D cases without income
136 deduction orders shall not be sent to the State Disbursement
137 Unit.

138 (b) Upon request by the Title IV-D agency, the depository
139 created pursuant to paragraph (a) shall establish an account for
140 the receipt and disbursement of support payments for Title IV-D



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141 | interstate cases. The Title IV-D agency shall provide a copy of
142 | the other state's order with the request and the depository
143 | shall advise the Title IV-D agency of the account number in
144 | writing within 4 business days after receipt of the request.

145 | (2)(a) For payments not required to be processed through
146 | the State Disbursement Unit, the depository shall impose and
147 | collect a fee on each payment made for receiving, recording,
148 | reporting, disbursing, monitoring, or handling alimony or child
149 | support payments as required under this section. For non-Title
150 | IV-D cases required to be processed by the State Disbursement
151 | Unit pursuant to this chapter, the State Disbursement Unit
152 | shall, on each payment received, collect a fee, and shall
153 | transmit to the depository in which the case is located 40
154 | percent of such service charge for the depository's
155 | administration, management, and maintenance of such case. If a
156 | payment is made to the State Disbursement Unit which is not
157 | accompanied by the required fee, the State Disbursement Unit
158 | shall not deduct any moneys from the support payment for payment
159 | of the fee. The fee shall be a flat fee based, to the extent
160 | practicable, upon estimated reasonable costs of operation. The
161 | fee shall be reduced in any case in which the fixed fee results
162 | in a charge to any party of an amount greater than 3 percent of
163 | the amount of any support payment made in satisfaction of the
164 | amount which the party is obligated to pay, except that no fee
165 | shall be less than \$1 nor more than \$5 per payment made. The fee
166 | shall be considered by the court in determining the amount of
167 | support that the obligor is, or may be, required to pay.



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168 (b)1. ~~For the period of July 1, 1992, through June 30,~~
169 ~~2003,~~ The fee imposed in paragraph (a) shall be increased to 4
170 percent of the support payments which the party is obligated to
171 pay, except that no fee shall be more than \$5.25. The fee shall
172 be considered by the court in determining the amount of support
173 that the obligor is, or may be, required to pay. Notwithstanding
174 the provisions of s. 145.022, 75 percent of the additional
175 revenues generated by this paragraph shall be remitted monthly
176 to the Clerk of the Court Child Support Enforcement Collection
177 System Trust Fund administered by the department as provided in
178 subparagraph 2. These funds shall be used exclusively for the
179 development, implementation, and operation of the Clerk of the
180 Court Child Support Enforcement Collection System to be operated
181 by the depositories, including the automation of civil case
182 information necessary for the State Case Registry. The
183 department shall contract with the Florida Association of Court
184 Clerks and the depositories to design, establish, operate,
185 upgrade, and maintain the automation of the depositories to
186 include, but not be limited to, the provision of on-line
187 electronic transfer of information to the IV-D agency as
188 otherwise required by this chapter. The department's obligation
189 to fund the automation of the depositories is limited to the
190 state share of funds available in the Clerk of the Court Child
191 Support Enforcement Collection System Trust Fund. Each
192 depository created under this section shall fully participate in
193 the Clerk of the Court Child Support Enforcement Collection
194 System and transmit data in a readable format as required by the



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195 | contract between the Florida Association of Court Clerks and the
196 | department.

197 | 2. Moneys to be remitted to the department by the
198 | depository shall be done daily by electronic funds transfer and
199 | calculated as follows:

200 | a. For each support payment of less than \$33, 18.75 cents.

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

203 | c. For each support payment in excess of \$140, 18.75
204 | cents.

205 | 3. The fees established by this section shall be set forth
206 | and included in every order of support entered by a court of
207 | this state which requires payment to be made into the
208 | depository.

209 | Section 4. Paragraph (c) of subsection (14) of section
210 | 120.80, Florida Statutes, is amended to read:

211 | 120.80 Exceptions and special requirements; agencies.--

212 | (14) DEPARTMENT OF REVENUE.--

213 | (c) *Proceedings for administrative support orders.*--In
214 | proceedings for the establishment of administrative support
215 | orders pursuant to s. 409.2563, final orders in cases referred
216 | by the Department of Revenue to the Division of Administrative
217 | Hearings shall be entered by the division's administrative law
218 | judge and transmitted to the Department of Revenue for filing
219 | and rendering. The Department of Revenue has the right to seek
220 | judicial review under s. 120.68 of a final order entered by an
221 | administrative law judge. Administrative support orders rendered
222 | pursuant to s. 409.2563 may be enforced pursuant to s. 120.69



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223 or, alternatively, by any method prescribed by law for the
224 enforcement of judicial support orders, except contempt.
225 Hearings held by the Division of Administrative Hearings
226 pursuant to s. 409.2563 shall be held in the judicial circuit
227 where the person receiving services under Title IV-D resides or,
228 if the person receiving services under Title IV-D does not
229 reside in this state, in the judicial circuit where the
230 respondent resides. If the department and the respondent agree,
231 the hearing may be held in another location.

232 Section 5. Effective July 1, 2003, paragraph (c) of
233 subsection (2) of section 382.013, Florida Statutes, is amended
234 to read:

235 382.013 Birth registration.--A certificate for each live
236 birth that occurs in this state shall be filed within 5 days
237 after such birth with the local registrar of the district in
238 which the birth occurred and shall be registered by the local
239 registrar if the certificate has been completed and filed in
240 accordance with this chapter and adopted rules. The information
241 regarding registered births shall be used for comparison with
242 information in the state case registry, as defined in chapter
243 61.

244 (2) PATERNITY.--

245 (c) If the mother is not married at the time of the birth,
246 the name of the father may not be entered on the birth
247 certificate without the execution of an affidavit signed by both
248 the mother and the person to be named as the father. The
249 facility shall give notice orally or through the use of video or
250 audio equipment, and in writing, of the alternatives to, the



251 | legal consequences of, and the rights, including, if one parent
 252 | is a minor, any rights afforded due to minority status, and
 253 | responsibilities that arise from signing an acknowledgment of
 254 | paternity, as well as information provided by the Title IV-D
 255 | agency established pursuant to s. 409.2557, regarding the
 256 | benefits of voluntary establishment of paternity. Upon request
 257 | of the mother and the person to be named as the father, the
 258 | facility shall assist in the execution of the affidavit, ~~or~~ a
 259 | notarized voluntary acknowledgment of paternity, or a voluntary
 260 | acknowledgment of paternity that is witnessed by two individuals
 261 | and signed under penalty of perjury as specified by s.
 262 | 92.525(2).

263 | Section 6. Effective July 1, 2003, paragraph (b) of
 264 | subsection (1) of section 382.016, Florida Statutes, is amended
 265 | to read:

266 | 382.016 Amendment of records.--The department, upon
 267 | receipt of the fee prescribed in s. 382.0255; documentary
 268 | evidence, as specified by rule, of any misstatement, error, or
 269 | omission occurring in any birth, death, or fetal death record;
 270 | and an affidavit setting forth the changes to be made, shall
 271 | amend or replace the original certificate as necessary.

272 | (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

273 | (b) Upon written request and receipt of an affidavit, a ~~or~~
 274 | notarized voluntary acknowledgment of paternity, or a voluntary
 275 | acknowledgment of paternity that is witnessed by two individuals
 276 | and signed under penalty of perjury as specified by s. 92.525(2)
 277 | that is signed by the mother and father acknowledging the
 278 | paternity of a registrant born out of wedlock, together with



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279 sufficient information to identify the original certificate of
280 live birth, the department shall prepare a new birth
281 certificate, which shall bear the same file number as the
282 original birth certificate. The names and identifying
283 information of the parents shall be entered as of the date of
284 the registrant's birth. The surname of the registrant may be
285 changed from that shown on the original birth certificate at the
286 request of the mother and father of the registrant, or the
287 registrant if of legal age. If the mother and father marry each
288 other at any time after the registrant's birth, the department
289 shall, upon the request of the mother and father or registrant
290 if of legal age and proof of the marriage, amend the certificate
291 with regard to the parents' marital status as though the parents
292 were married at the time of birth. The department shall
293 substitute the new certificate of birth for the original
294 certificate on file. All copies of the original certificate of
295 live birth in the custody of a local registrar or other state
296 custodian of vital records shall be forwarded to the State
297 Registrar. Thereafter, when a certified copy of the certificate
298 of birth or portion thereof is issued, it shall be a copy of the
299 new certificate of birth or portion thereof, except when a court
300 order requires issuance of a certified copy of the original
301 certificate of birth. The department shall place the original
302 certificate of birth and all papers pertaining thereto under
303 seal, not to be broken except by order of a court of competent
304 jurisdiction or as otherwise provided by law.

305 Section 7. Effective July 1, 2003, subsection (3) of
306 section 409.2557, Florida Statutes, is amended to read:



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307 | 409.2557 State agency for administering child support
308 | enforcement program.--

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

314 | (a) Background screening of department employees and
315 | applicants, including criminal records checks;

316 | (b) Confidentiality and retention of department records;
317 | access to records; record requests;

318 | (c) Department trust funds;

319 | (d) Federal funding procedures;

320 | (e) Agreements with law enforcement and other state
321 | agencies; National Crime Information Center (NCIC) access;
322 | Parent Locator Service access;

323 | (f) Written agreements entered into between the department
324 | and support obligors in establishment, enforcement, and
325 | modification proceedings;

326 | (g) Procurement of services by the department, pilot
327 | programs, and demonstration projects;

328 | (h) Management of cases by the department involving any
329 | documentation or procedures required by federal or state law,
330 | including but not limited to, cooperation; review and
331 | adjustment; audits; interstate actions; diligent efforts for
332 | service of process;

333 | (i) Department procedures for orders for genetic testing;
334 | subpoenas to establish, enforce, or modify orders; increasing



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335 | the amount of monthly obligations to secure delinquent support;
 336 | suspending or denying driver's and professional licenses and
 337 | certificates; fishing and hunting license suspensions;
 338 | suspending vehicle and vessel registrations; screening
 339 | applicants for new or renewal licenses, registrations, or
 340 | certificates; income deduction; credit reporting and accessing;
 341 | tax refund intercepts; passport denials; liens; financial
 342 | institution data matches; expedited procedures; medical support;
 343 | and all other responsibilities of the department as required by
 344 | state or federal law;

345 | (j) Collection and disbursement of support and alimony
 346 | payments by the department as required by federal law;
 347 | collection of genetic testing costs and other costs awarded by
 348 | the court;

349 | (k) Report information to and receive information from
 350 | other agencies and entities;

351 | (l) Provide location services, including accessing from
 352 | and reporting to federal and state agencies;

353 | (m) Privatizing location, establishment, enforcement,
 354 | modification, and other functions;

355 | (n) State case registry;

356 | (o) State disbursement unit;

357 | (p) Administrative proceedings to establish child-support
 358 | obligations; ~~and~~

359 | (q) Insurer reporting of liability claims, withholding of
 360 | insurance payments for unpaid support, and reporting of weekly
 361 | workers' compensation; and



362 ~~(r)(g)~~ All other responsibilities of the department as
 363 required by state or federal law.

364 Section 8. Paragraph (b) of subsection (2) of section
 365 409.2558, Florida Statutes, is amended to read:

366 409.2558 Support distribution and disbursement.--

367 (2) UNDISTRIBUTABLE COLLECTIONS.--

368 (b) Collections that are determined to be undistributable
 369 shall be processed in the following order of priority:

370 1. Apply the payment to any assigned arrears on the
 371 custodial parent's case; then

372 2. Apply the payment to any administrative costs ordered
 373 by the court pursuant to s. 409.2567 associated with the
 374 custodial parent's case; then

375 3. When the noncustodial parent is subject to a valid
 376 order to support another child ~~other children~~ in a another case
 377 with a different custodial parent and the obligation is being
 378 enforced by the department, the department shall send by
 379 certified mail, return receipt requested, to the noncustodial
 380 parent at the most recent address provided by the noncustodial
 381 parent to the tribunal that issued the order a notice stating
 382 the department's intention to apply the payment pursuant to this
 383 subparagraph and advising the noncustodial parent of the right
 384 to contest the department's proposed action in the circuit court
 385 by filing and serving a petition on the department within 20
 386 days after receipt of the notice. If the noncustodial parent
 387 does not file and serve a petition within 20 days after receipt
 388 of the notice, or upon a disposition of the judicial action
 389 favorable to the department, the department shall, ~~with the~~



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390 ~~noncustodial parent's permission,~~ apply the payment towards his
 391 or her other support obligation. If there is more than one such
 392 other case, the department shall allocate the remaining
 393 undistributable amount as specified by s. 61.1301(4)(c); then

394 4. Return the payment to the noncustodial parent; then

395 5. If the noncustodial parent cannot be located after
 396 diligent efforts by the department, the federal share of the
 397 payment shall be credited to the Federal Government and the
 398 state share shall be transferred to the General Revenue Fund.

399 Section 9. Subsection (1) of section 409.2561, Florida
 400 Statutes, is amended to read:

401 409.2561 Support obligations when public assistance is
 402 paid; assignment of rights; subrogation; medical and health
 403 insurance information.--

404 (1) Any payment of temporary cash or Title IV-E assistance
 405 made to, or for the benefit of, any dependent child creates an
 406 obligation in an amount determined pursuant to the child support
 407 guidelines. In accordance with 42 U.S.C. s. 657, the state shall
 408 retain amounts collected only to the extent necessary to
 409 reimburse amounts paid to the family as assistance by the state.
 410 Such amounts collected shall be deposited into the General
 411 Revenue Fund up to the level specified in s. 61.1812. If there
 412 has been a prior support court order or final judgment of
 413 dissolution of marriage establishing an obligation of support,
 414 the obligation is limited to the amount provided by such support
 415 ~~court~~ order or decree. The extraordinary remedy of contempt is
 416 applicable in child support enforcement cases because of the
 417 public necessity for ensuring that dependent children be



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418 maintained from the resources of their parents, thereby
 419 relieving, at least in part, the burden presently borne by the
 420 general citizenry through the public assistance program. If
 421 there is no prior support ~~court~~ order ~~establishing an obligation~~
 422 ~~of support~~, the court, or the department as provided by s.
 423 409.2563, shall establish the liability of the obligor, if any,
 424 by applying the child support guidelines. The department may
 425 apply for modification of a support ~~court~~ order on the same
 426 grounds as either party to the cause and shall have the right to
 427 settle and compromise actions brought pursuant to law.

428 Section 10. Paragraph (m) of subsection (4) of section
 429 409.2563, Florida Statutes, is amended to read:

430 409.2563 Administrative establishment of child support
 431 obligations.--

432 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
 433 SUPPORT ORDER.--To commence a proceeding under this section, the
 434 department shall provide to the custodial parent and serve the
 435 noncustodial parent with a notice of proceeding to establish
 436 administrative support order and a blank financial affidavit
 437 form. The notice must state:

438 (m) That, neither the department nor the Division of
 439 Administrative Hearings has jurisdiction to award or change
 440 child custody or rights of parental contact and these issues may
 441 only be addressed in circuit court.

442 1. The noncustodial parent may request in writing that the
 443 department proceed in circuit court to determine his or her
 444 support obligations.



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445 2. The noncustodial parent may state in writing to the
446 department his or her intention to address issues concerning
447 custody or rights to parental contact in circuit court.

448 3. If the noncustodial parent submits the request
449 mentioned in subparagraph 1., or the statement mentioned in
450 subparagraph 2., to the department within 20 days after receipt
451 of the initial notice, the department shall file a petition in
452 circuit court for the determination of the noncustodial parent's
453 child support obligations, and shall send to the noncustodial
454 parent a copy of its petition, a notice of commencement of
455 action, and a request for waiver of service of process as
456 provided in the Rules of Civil Procedure.

457 4. If, within 10 days after receipt of the department's
458 petition and waiver of service, the noncustodial parent signs
459 and returns the waiver of service form to the department, the
460 department shall terminate the administrative proceeding without
461 prejudice and proceed in circuit court.

462 5. In any circuit court action brought by the department
463 pursuant to this subsection, or brought by a noncustodial parent
464 or other person pursuant to paragraph (l) or paragraph (n), the
465 department shall be a party only with respect to those issues of
466 support allowed and reimbursable under Title IV-D of the Social
467 Security Act. It is the responsibility of the noncustodial
468 parent or other person to take the necessary steps to present
469 other issues they wish to have the court consider. ~~That if the~~
470 ~~noncustodial parent has issues regarding child custody or right~~
471 ~~of parental contact or requests to proceed in circuit court, the~~
472 ~~noncustodial parent may request in writing that the department~~



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473 ~~proceed in circuit court to determine support. That the~~
474 ~~noncustodial parent must make such request in writing within 20~~
475 ~~days after receipt of the initial notice. That upon such~~
476 ~~request, the department shall send the noncustodial parent by~~
477 ~~regular mail a copy of the department's petition and waiver of~~
478 ~~service form. That the noncustodial parent must sign and return~~
479 ~~the waiver of service form, within 10 days of receipt of the~~
480 ~~petition, at which time the department shall terminate the~~
481 ~~administrative proceeding and file an action in circuit court to~~
482 ~~determine support;~~

483

484 The department may serve the notice of proceeding to establish
485 administrative support order by certified mail, restricted
486 delivery, return receipt requested. Alternatively, the
487 department may serve the notice by any means permitted for
488 service of process in a civil action. For purposes of this
489 section, an authorized employee of the department may serve the
490 notice and execute an affidavit of service. Service by certified
491 mail is completed when the certified mail is received or refused
492 by the addressee or by an authorized agent as designated by the
493 addressee in writing. If a person other than the addressee signs
494 the return receipt, the department shall attempt to reach the
495 addressee by telephone to confirm whether the notice was
496 received, and the department shall document any telephonic
497 communications. If someone other than the addressee signs the
498 return receipt, the addressee does not respond to the notice,
499 and the department is unable to confirm that the addressee has
500 received the notice, service is not completed and the department



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501 shall attempt to have the addressee served personally. The
 502 department shall provide the custodial parent or caretaker
 503 relative with a copy of the notice by regular mail to the last
 504 known address of the custodial parent or caretaker.

505 Section 11. Subsection (3) of section 409.25656, Florida
 506 Statutes, is amended to read:

507 409.25656 Garnishment.--

508 (3) During the last 30 days of the 60-day period set forth
 509 in subsection (1), the executive director or his or her designee
 510 may levy upon such credits, personal property, or debts. The
 511 levy must be accomplished by delivery of a notice of levy by
 512 registered mail, upon receipt of which the person possessing the
 513 credits, other personal property, or debts shall transfer them
 514 to the department or pay to the department the amount owed by
 515 the obligor. If the department levies upon securities and the
 516 value of the securities is less than the total amount of past
 517 due or overdue support, the person who possesses or controls the
 518 securities shall liquidate the securities in a commercially
 519 reasonable manner. After liquidation, the person shall transfer
 520 to the department the proceeds, less any applicable commissions
 521 or fees, or both, which are charged in the normal course of
 522 business. If the value of the securities exceeds the total
 523 amount of past due or overdue support, the obligor may, within 7
 524 days after receipt of the department's notice of levy, instruct
 525 the person who possesses or controls the securities which
 526 securities are to be sold to satisfy the obligation for past due
 527 or overdue support. If the obligor does not provide instructions
 528 for liquidation, the person who possesses or controls the



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529 securities shall liquidate the securities in a commercially
530 reasonable manner ~~and~~ in an amount sufficient to cover the
531 obligation for past due or overdue support, and less any
532 applicable commissions or fees, or both, which are charged in
533 the normal course of business, beginning with the securities
534 purchased most recently. After liquidation, the person who
535 possesses or controls the securities shall transfer to the
536 department the total amount of past due or overdue support.

537 Section 12. Effective July 1, 2003, section 409.25659,
538 Florida Statutes, is created to read:

539 409.25659 Withholding of insurance payment for unpaid
540 support.--

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

542 (a) "Insurer" means an entity that is responsible for
543 paying a claim on liability coverage in an insurance contract
544 and which is:

545 1. An insurer, as defined in s. 624.03, authorized to
546 transact insurance in this state;

547 2. An eligible surplus lines insurer pursuant to part VIII of
548 chapter 626;

549 3. A joint underwriter or joint reinsurer created by law
550 or otherwise operating pursuant to s. 627.311; or

551 4. An insurance risk apportionment plan operating pursuant
552 to s. 627.351.

553 (b) "Claim" means a claim on liability coverage in an
554 insurance contract payable to an individual, or to a third party
555 for the benefit of an individual, who is a resident of this



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556 state or who had an accident or loss that occurred in this
557 state.

558 (2) INDIVIDUALS WHO OWE UNPAID SUPPORT; INSURER DUTY TO
559 INQUIRE; DUTY TO WITHHOLD PAYMENT.--

560 (a) The department shall periodically make available from
561 a secure web-enabled database or other centralized source to
562 insurers who are subject to this section information concerning
563 obligors in Title IV-D cases who owe unpaid support in excess of
564 \$500. For each obligor, the department shall provide, at a
565 minimum, the obligor's name, social security number, last known
566 address, and the amount of unpaid support owed.

567 (b) Not more than 30 days before paying a claim, the
568 insurer shall inquire of the department pursuant to paragraph
569 (a) whether the claimant is an individual who owes unpaid
570 support by providing the department with the individual's name,
571 date of birth, social security number, and last known address
572 according to the insurer's records; the claim number; the date
573 of claim; the name of the insurer; and how the insurer may be
574 contacted. Within 30 days after inquiry, the department shall
575 notify the insurer whether the individual owes unpaid support
576 and, if so, the amount owed. An insurer shall withhold payment
577 on a claim until the department notifies the insurer that the
578 individual does not owe unpaid support or otherwise releases the
579 insurer in writing from the duty to withhold.

580 (3) NOTICE OF DEMAND FOR PAYMENT; LIEN FOR AMOUNT OF
581 UNPAID SUPPORT.--If the department determines pursuant to
582 subsection (2) that the individual owes unpaid support, the
583 department shall issue a written demand for payment to the



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584 insurer, which may be transmitted electronically. A demand for
585 payment issued under this subsection constitutes a lien against
586 the obligor's claim for the amount of unpaid support stated in
587 the demand and any unpaid support that accrues subsequently. The
588 lien becomes effective when the demand for payment is received
589 by the insurer and is in addition to any preexisting lien for
590 unpaid support. Upon receipt of a demand for payment, the
591 insurer shall provide the department with the name and address
592 of the obligor's attorney or agent, if known, the amount
593 withheld, the date payment was withheld, and other known
594 information concerning the location, earnings, and assets of the
595 obligor. An insurer who is subject to a demand for payment on a
596 claim may not pay over, release, encumber, assign, or otherwise
597 transfer payment subject to the demand without written
598 authorization by the department or an order of the court.

599 (4) NOTICE TO OBLIGOR; ADMINISTRATIVE HEARING; JUDICIAL
600 REVIEW.--

601 (a) Upon issuing a demand for payment, the department
602 shall promptly provide a copy to the obligor and notify the
603 obligor in writing of the right to contest the demand for
604 payment by filing a written request for an administrative
605 hearing with the department within 21 days after the date of
606 mailing or personal delivery of the notice. Mailing of the
607 notice to the obligor's last known address is deemed adequate
608 notice. Failure to make a timely written request for a hearing
609 is deemed a waiver of the right to hearing. The department also
610 shall provide a copy of the demand for payment and notice to the
611 obligor's attorney or agent, if known.



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612 (b) Any person whose substantial interests are affected by
613 the department's demand for payment may request an
614 administrative hearing as provided by chapter 120. Chapter 120
615 and the Uniform Rules of Procedure govern how administrative
616 hearings are conducted and the entry of final orders. Final
617 orders rendered under this section are subject to judicial
618 review as provided by s. 120.68.

619 (5) PAYMENT TO THE DEPARTMENT.--If the obligor does not
620 file a timely written request for an administrative hearing, or
621 consents to the department's demand or the department prevails
622 after hearing, the department shall notify the insurer to send
623 to the department the full amount of the withheld payment, not
624 to exceed the amount of unpaid support, less any amounts payable
625 to the obligor or other entities as specified by subsection (7).
626 Payments due the department must be made payable solely to the
627 department.

628 (6) FULL OR PARTIAL RELEASE.--An insurer may be released
629 from the duty to withhold payment only upon written notice by
630 the department or by order of the court. The department shall
631 execute and deliver a release of the lien for unpaid support to
632 the obligor and the insurer upon payment in full of the unpaid
633 support and any costs due. The department may release a lien
634 fully or in part without liability as needed to correctly
635 reflect the amount of unpaid support owed, if assurance of
636 payment is considered adequate, or to facilitate collection of
637 the unpaid support.

638 (7) PRIORITY OF LIENS; ATTORNEYS FEES; MEDICAL PROVIDERS;
639 EXEMPTION FOR FUTURE MEDICAL EXPENSES.--



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640 (a) A lien for unpaid support created by this section is
641 superior to all subsequent liens and security interests. Liens
642 perfected prior to creation of a lien under this section, prior
643 written notices of health care expenditures related to the claim
644 made by the health care providers, and attorneys fees payable
645 from insurance proceeds are not subject to a lien created by
646 this section.

647 (b) An amount not to exceed the lesser of 15 percent of
648 the total payment or \$5,000 for the obligor's future medical
649 expenses is exempt from a demand for payment under this section,
650 provided the expenses are due to a condition that gave rise to
651 the claim and are documented by a licensed physician. The
652 department shall notify the obligor of the exemption and how to
653 claim it when providing notice of the right to contest a demand
654 for payment under subsection (4). The obligor has the burden of
655 proving a claim for an exemption.

656 (8) INSURER IMMUNITY.--An insurer, its directors, agents,
657 and employees and any central reporting organization and its
658 agents and employees authorized by an insurer to act on its
659 behalf who act in conformity with the requirements of this
660 section are immune from any liability to the claimant or other
661 payees, lienholders, or affected entities for any alleged or
662 actual damages that occur as a result of compliance with these
663 requirements.

664 (9) FAILURE TO COMPLY; REMEDIES.--An insurer who does not
665 inquire, withhold, or remit payments as required by this section
666 is liable to the department for the amount the insurer should
667 have withheld or remitted, plus costs, interest, and reasonable



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668 attorney's fees. The department is authorized to bring an action
669 in circuit court to enforce any provision of this section.

670 (10) WORKERS' COMPENSATION.--When the web-enabled database
671 specified by paragraph (2)(a) becomes operational, the
672 department shall permit access by judges of compensation claims
673 to facilitate review and approval of workers' compensation
674 settlements as provided by s. 440.20(11)(d).

675 (11) RULEMAKING AUTHORITY.--The department may adopt rules
676 to implement, administer, or enforce the requirements of this
677 section.

678 Section 13. Effective July 1, 2003, section 409.257,
679 Florida Statutes, is amended to read:

680 409.257 Service of process.--The service of initial
681 process and orders in lawsuits filed by the department, under
682 this act, shall be served by the sheriff in the county where the
683 person to be served may be found or, if determined to be more
684 effective by the department, by any means permitted under
685 chapter 48 for service of process in a civil action. The sheriff
686 shall be reimbursed at the prevailing rate of federal financial
687 participation for service of process and orders as allowed by
688 law. The sheriff shall bill the department monthly as provided
689 for in s. 30.51(2). In addition, process and orders may be
690 served or executed by authorized agents of the department at the
691 department's discretion; provided that the agent of the
692 department does not take any action against personal property,
693 real property, or persons. Notices and other intermediate
694 process, except witness subpoenas, shall be served by the
695 department as provided for in the Florida Rules of Civil



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696 Procedure. Witness subpoenas shall be served by the department
697 by certified mail as provided for in s. 48.031(3).

698 Section 14. Subsections (1) and (2) of section 409.2572,
699 Florida Statutes, are amended to read:

700 409.2572 Cooperation.--

701 (1) An applicant for, or recipient of, public assistance
702 for a dependent child shall cooperate in good faith with the
703 department or a program attorney in:

704 (a) Identifying and helping to locate the alleged parent
705 or obligor.

706 (b) Assisting in establishing the paternity of a child
707 born out of wedlock.

708 (c) Assisting in obtaining support payments from the
709 obligor.

710 (d) Assisting in obtaining any other payments or property
711 due from the obligor.

712 (e) Identifying another putative father when an earlier
713 named putative father has been excluded by DNA, Human Leukocyte
714 Antigen, or other scientific test.

715 (f) Appearing at an office of the department, or another
716 designated office, as necessary to provide verbal or written
717 information, or documentary or physical evidence, known to,
718 possessed by, or reasonably obtainable by the applicant or
719 recipient.

720 (g) Appearing as a witness at judicial or other hearings
721 or proceedings.



722 (h) Providing information under oath regarding the
723 identity or location of the alleged father of the child or
724 attesting to the lack of information.

725 (i) Paying to the department any support received from the
726 obligor after the assignment is effective.

727 (2) Noncooperation, or failure to cooperate in good faith,
728 is defined to include, but is not limited to, the following
729 conduct:

730 (a) ~~Failing or~~ Refusing to identify the father of the
731 child, or where more than one man could be the father of the
732 child, refusing to identify all such persons. ~~If the mother~~
733 ~~identifies one or more persons as the possible father of the~~
734 ~~child and asserts that there are no others who could be the~~
735 ~~father of the child, but the DNA test, Human Leukocyte Antigen~~
736 ~~test, or other scientific test indicates that none of the~~
737 ~~persons identified could in fact have been the father of the~~
738 ~~child, the mother shall be deemed noncooperative. If she~~
739 ~~subsequently identifies another person as the possible father of~~
740 ~~the child, she shall still be deemed noncooperative until that~~
741 ~~person has been given the DNA test, Human Leukocyte Antigen~~
742 ~~test, or other scientific test and is not excluded as the father~~
743 ~~by the test.~~

744 (b) Failing to appear for two appointments at the
745 department or other designated office without justification and
746 notice.

747 (c) Providing false information regarding the paternity of
748 the child or the obligation of the obligor.



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749 (d) All actions of the obligee which interfere with the
750 state's efforts to proceed to establish paternity, the
751 obligation of support, or to enforce or collect support.

752 (e) Failure to appear at the laboratory for drawing of
753 blood samples, or leaving the laboratory prior to the drawing of
754 blood samples without compelling reasons.

755 (f) Failure to assist in the recovery of third-party
756 payment for medical services.

757 Section 15. Section 409.259, Florida Statutes, is amended
758 to read:

759 409.259 ~~Partial payment of~~ Filing fees in Title IV-D
760 cases.--

761 (1) Notwithstanding s. 28.241, each clerk of the circuit
762 court shall accept petitions, complaints, and motions in Title
763 IV-D cases submitted for filing by the department without
764 billing separately for each such filing, since the clerk is
765 being reimbursed in a different manner for expenses incurred in
766 such filings under the cooperative agreement with the department
767 pursuant to ss. 61.181(1) and 61.1826(2) and (4). ~~only be~~
768 ~~reimbursed at the prevailing rate of federal financial~~
769 ~~participation on the amount of \$40 for each civil action, suit,~~
770 ~~or proceeding for support instituted in the circuit court in~~
771 ~~which the parent is not receiving temporary cash assistance. The~~
772 ~~prevailing rate of the state match shall be paid by the local~~
773 ~~government in the form of a certified public expenditure. The~~
774 ~~clerk of the circuit court shall bill the department monthly.~~
775 ~~The clerk of the circuit court and the department shall maintain~~
776 ~~a monthly log of the number of civil actions, suits, or~~



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777 ~~proceedings filed in which the parent does not receive temporary~~
778 ~~assistance. These monthly logs will be used to determine the~~
779 ~~number of \$40 filings the clerk of court may submit for~~
780 ~~reimbursement at the prevailing rate of federal financial~~
781 ~~participation.~~

782 (2) Notwithstanding subsection (1), the department shall
783 continue to be entitled to the other necessary services of the
784 clerk of court in any proceedings under the IV-D program as
785 authorized under s. 409.2571.

786 Section 16. Effective July 1, 2003, section 440.123,
787 Florida Statutes, is created to read:

788 440.123 Insurer paying periodic compensation; duty to
789 inquire about unpaid child support.--When the web-enabled
790 database specified by s. 409.25659 becomes operational, upon
791 determining that a claimant will be paid weekly compensation, an
792 insurer as defined by s. 440.02(39) shall access the database
793 promptly to inquire whether the claimant owes unpaid support. If
794 it is determined after inquiry that a claimant owes unpaid
795 support, the insurer shall notify the Department of Revenue at
796 that time, through the web-enabled database, by providing the
797 individual's name, date of birth, social security number, last
798 known address according to the insurer's records, and employer;
799 the claim number; the weekly compensation amount; the date of
800 first payment; the name of the insurer and how the insurer may
801 be contacted; the name and contact information of the payor of
802 weekly compensation, if different from the insurer; and the name
803 and address of the agent or attorney for the claimant, if any.



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804 Section 17. Effective July 1, 2003, paragraph (d) of
805 subsection (11) of section 440.20, Florida Statutes, is amended
806 to read:

807 440.20 Time for payment of compensation; penalties for
808 late payment.--

809 (11)

810 (d)1. With respect to any lump-sum settlement under this
811 subsection, a judge of compensation claims must consider at the
812 time of the settlement, whether the settlement allocation
813 provides for the appropriate recovery of child support
814 arrearages.

815 2. When reviewing any settlement of lump-sum payment
816 pursuant to this subsection, judges of compensation claims shall
817 consider the interests of the worker and the worker's family
818 when approving the settlement, which must consider and provide
819 for appropriate recovery of past due support.

820 3. Before approving a settlement, the judge of
821 compensation claims shall require a party to obtain a written
822 statement from the Department of Revenue as to whether the
823 worker owes unpaid support and, if so, the amount owed. In
824 addition, the judge of compensation claims may require a party
825 to obtain a similar statement from a depository, operated
826 pursuant to s. 61.181.

827 Section 18. Effective July 1, 2003, subsection (1) of
828 section 742.10, Florida Statutes, is amended to read:

829 742.10 Establishment of paternity for children born out of
830 wedlock.--



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831 (1) This chapter provides the primary jurisdiction and
832 procedures for the determination of paternity for children born
833 out of wedlock. When the establishment of paternity has been
834 raised and determined within an adjudicatory hearing brought
835 under the statutes governing inheritance, or dependency under
836 workers' compensation or similar compensation programs, or when
837 an affidavit acknowledging paternity or a stipulation of
838 paternity is executed by both parties and filed with the clerk
839 of the court, or when an affidavit, a ~~or~~ notarized voluntary
840 acknowledgment of paternity, or a voluntary acknowledgment of
841 paternity that is witnessed by two individuals and signed under
842 penalty of perjury as provided for in s. 382.013 or s. 382.016
843 is executed by both parties, it shall constitute the
844 establishment of paternity for purposes of this chapter. If no
845 adjudicatory proceeding was held, a notarized voluntary
846 acknowledgment of paternity or voluntary acknowledgment of
847 paternity that is witnessed by two individuals and signed under
848 penalty of perjury as specified by s. 92.525(2) shall create a
849 rebuttable presumption, as defined by s. 90.304, of paternity
850 and is subject to the right of any signatory to rescind the
851 acknowledgment within 60 days of the date the acknowledgment was
852 signed or the date of an administrative or judicial proceeding
853 relating to the child, including a proceeding to establish a
854 support order, in which the signatory is a party, whichever is
855 earlier. Both parents are required to provide their social
856 security numbers on any acknowledgment of paternity, consent
857 affidavit, or stipulation of paternity. Except for affidavits
858 under seal pursuant to ss. 382.015 and 382.016, the Office of



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859 Vital Statistics shall provide certified copies of affidavits to
860 the Title IV-D agency upon request.

861 Section 19. Except as otherwise provided herein, this act
862 shall take effect upon becoming a law.

863