

HB 1377

2004

1                   A bill to be entitled  
 2           An act relating to child support; amending s. 409.2558,  
 3           F.S.; requiring the Department of Revenue to use  
 4           reasonable efforts to locate persons to whom collections  
 5           or refunds are owed, including disclosing information on  
 6           the Internet; amending s. 717.118, F.S.; authorizing the  
 7           Department of Financial Services to publish notification  
 8           of undistributed support collections; requiring the  
 9           department to refer inquiries regarding undistributed  
 10          support collections to the Department of Revenue;  
 11          providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

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 15           Section 1. Paragraph (a) of subsection (2) of section  
 16           409.2558, Florida Statutes, is amended to read:

17           409.2558 Support distribution and disbursement.--

18           (2) ~~UNDISTRIBUTABLE COLLECTIONS.--~~

19           (a) The department shall establish by rule the method for  
 20           determining a collection or refund to a noncustodial parent to  
 21           be undistributable to the final intended recipient. This method  
 22           must provide for reasonable efforts to locate and notify persons  
 23           to whom collections or refunds are owed, including the  
 24           disclosure of names and other information on the Internet.

25           Section 2. Subsection (5) is added to section 717.118,  
 26           Florida Statutes, to read:

27           717.118 Notice and publication of lists of unclaimed  
 28           property.--

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29 (1) It is specifically recognized that the state has an  
30 obligation to make an effort to notify owners of unclaimed  
31 property in a cost-effective manner. In order to provide all the  
32 citizens of this state an effective and efficient program for  
33 the recovery of unclaimed property, the department shall use  
34 cost-effective means to make at least one active attempt to  
35 notify owners of the existence of unclaimed property held by the  
36 department. Such active attempt to locate apparent owners shall  
37 include any attempt by the department to directly contact the  
38 owner. Other means of notification, such as publication of the  
39 names of owners in the newspaper, on television, on the  
40 Internet, or through other promotional efforts and items in  
41 which the department does not directly attempt to contact the  
42 owner are expressly declared to be passive attempts. Nothing in  
43 this subsection precludes other agencies or entities of state  
44 government from notifying owners of the existence of unclaimed  
45 property or attempting to locate apparent owners of unclaimed  
46 property.

47 (2) The following notification requirements shall apply:

48 (a) Notifications that are published or televised may  
49 consist of the names of apparent owners of unclaimed property,  
50 and information regarding recovery of unclaimed property from  
51 the department. Such notification may be televised or published  
52 in the county in which the last known address of the apparent  
53 owner is located or, if the address is unknown, in the county in  
54 which the holder has its principal place of business. Published  
55 notifications may be in accordance with s. 50.011.

56 (b) Notification provided directly to individual apparent  
57 owners shall consist of a description of the property and

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58 information regarding recovery of unclaimed property from the  
59 department.

60 (3) The department may publish in the notice any items of  
61 more than \$100.

62 (4) This section is not applicable to sums payable on  
63 traveler's checks, money orders, and other written instruments  
64 presumed unclaimed under s. 717.104.

65 (5) The department may publish notification of  
66 undistributed support collections in the same manner as  
67 unclaimed property. The department shall refer all inquiries  
68 concerning undistributed support collections to the Department  
69 of Revenue for resolution under s. 409.2558.

70 Section 3. This act shall take effect July 1, 2004.