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1 A bill to be entitled

2 An act relating to child support; amending s. 61.046,
3 F.S.; revising a definition; amending s. 61.13, F.S.;
4 eliminating the requirement that a minor child's social
5 security number be included in a support order; amending
6 s. 61.1301, F.S.; revising the statement of obligor's
7 rights and notice requirement to include a requirement of
8 continued support under certain circumstances; requiring
9 an obligor to petition for an administrative hearing under
10 certain circumstances; providing for the continuation of a
11 support obligation after emancipation of the minor under
12 certain circumstances; providing for application to
13 support orders or income deduction orders entered before,
14 on, or after July 1, 2004; amending s. 61.181, F.S.;
15 requiring the state depository to establish an account for
16 receipt and disbursement of certain payments upon request
17 of the Department of Revenue; requiring the department to
18 provide certain documentation with such request; amending
19 s. 61.1814, F.S.; providing for types of moneys to be
20 deposited into the Child Support Enforcement Application
21 and Program Revenue Trust Fund; providing for use of such
22 moneys; amending s. 120.80, F.S.; providing proper venue
23 for certain administrative hearings; providing exceptions;
24 amending ss. 382.013, 382.016, and 742.10, F.S.;
25 authorizing use of an alternate voluntary acknowledgment
26 of paternity; amending s. 409.2558, F.S.; requiring notice
27 to the noncustodial parent before applying an
28 undistributable support collection to another support
29 order; amending s. 409.2561, F.S.; authorizing the

30 department to establish the liability of an obligor;
 31 amending s. 409.2563, F.S.; revising the manner in which a
 32 noncustodial parent may request the department to bring
 33 proceedings in circuit court; providing requirements for
 34 such request; providing that the department shall only be
 35 a party to such an action to the extent there are Title
 36 IV-D issues; requiring the department to file a copy of
 37 the initial notice with the depository; requiring the
 38 depository to provide an account number; amending s.
 39 409.25656, F.S.; revising provisions for coverage of the
 40 applicable commissions and fees for liquidation of an
 41 obligor's assets; amending s. 409.257, F.S.; authorizing
 42 alternative means for service of process; amending s.
 43 409.2572, F.S.; providing for cooperation in good faith;
 44 revising a definition; amending s. 409.259, F.S.; revising
 45 the manner of reimbursement to the clerk of court for
 46 court filing fees in certain cases; amending s. 409.2598,
 47 F.S.; providing definitions; revising provisions to
 48 conform with new definitions; removing authorization for
 49 Title IV-D agencies to screen applicants under certain
 50 circumstances; revising the computation of time for
 51 certain notices; providing for repayment agreements;
 52 providing for notice by regular mail; deleting the
 53 requirement for notice by certified mail; creating s.
 54 409.25659, F.S.; providing definitions; requiring the
 55 department to develop a data match system; providing
 56 requirements for such system; providing for an insurer to
 57 comply with requests by the department for such system;
 58 providing methods; requiring the department to establish a

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59 fee; providing immunity for certain insurers; authorizing
 60 the department to adopt rules; providing effective dates.
 61

62 Be It Enacted by the Legislature of the State of Florida:
 63

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

66 61.046 Definitions.--As used in this chapter:

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

79 Section 2. Paragraph (d) of subsection (1) of section
 80 61.13, Florida Statutes, is amended to read:

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

83 (1)

84 (d)1. Unless the provisions of subparagraph 3. apply, all
 85 child support orders entered on or after January 1, 1985, shall
 86 direct that the payments of child support be made as provided in
 87 s. 61.181 through the depository in the county where the court

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88 is located. All child support orders shall provide the full name
 89 and, date of birth, ~~and social security number~~ of each minor
 90 child who is the subject of the child support order.

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

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

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

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

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117 Section 3. Effective July 1, 2004, paragraphs (b) and (e)
 118 of subsection (1), paragraphs (e) and (f) of subsection (2), and
 119 subsection (3) of section 61.1301, Florida Statutes, are amended
 120 to read:

121 61.1301 Income deduction orders.--

122 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER ESTABLISHING,
 123 ENFORCING, OR MODIFYING AN OBLIGATION FOR ALIMONY OR CHILD
 124 SUPPORT.--

125 (b) The income deduction order shall:

126 1. Direct a payor to deduct from all income due and
 127 payable to an obligor the amount required by the court to meet
 128 the obligor's support obligation including any attorney's fees
 129 or costs owed and forward the deducted amount pursuant to the
 130 order.

131 2. State the amount of arrearage owed, if any, and direct
 132 a payor to withhold an additional 20 percent or more of the
 133 periodic amount specified in the order establishing, enforcing,
 134 or modifying the obligation, until full payment is made of any
 135 arrearage, attorney's fees and costs owed, provided no deduction
 136 shall be applied to attorney's fees and costs until the full
 137 amount of any arrearage is paid;

138 3. Direct a payor not to deduct in excess of the amounts
 139 allowed under s. 303(b) of the Consumer Credit Protection Act,
 140 15 U.S.C. s. 1673(b), as amended;

141 4. Direct whether a payor shall deduct all, a specified
 142 portion, or no income which is paid in the form of a bonus or
 143 other similar one-time payment, up to the amount of arrearage
 144 reported in the income deduction notice or the remaining balance
 145 thereof, and forward the payment to the governmental depository.

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146 For purposes of this subparagraph, "bonus" means a payment in
 147 addition to an obligor's usual compensation and which is in
 148 addition to any amounts contracted for or otherwise legally due
 149 and shall not include any commission payments due an obligor;

150 5. In Title IV-D cases, direct a payor to provide to the
 151 court depository the date on which each deduction is made; ~~and~~

152 6. In Title IV-D cases, if an obligation to pay current
 153 support is reduced or terminated due to emancipation of a child
 154 and the obligor owes an arrearage, retroactive support,
 155 delinquency, or costs, direct the payor to continue the income
 156 deduction at the rate in effect immediately prior to
 157 emancipation until all arrearages, retroactive support,
 158 delinquencies, and costs are paid in full or until the amount of
 159 withholding is modified; and

160 ~~7.6-~~ Direct that, at such time as the State Disbursement
 161 Unit becomes operational, all payments in those cases in which
 162 the obligee is receiving Title IV-D services and in those cases
 163 in which the obligee is not receiving Title IV-D services in
 164 which the initial support order was issued in this state on or
 165 after January 1, 1994, and in which the obligor's child support
 166 obligation is being paid through income deduction, be made
 167 payable to and delivered to the State Disbursement Unit.
 168 Notwithstanding any other statutory provision to the contrary,
 169 funds received by the State Disbursement Unit shall be held,
 170 administered, and disbursed by the State Disbursement Unit
 171 pursuant to the provisions of this chapter.

172 (e) Statement of obligor's rights. When the court orders
 173 the income deduction to be effective immediately, the court
 174 shall furnish to the obligor a statement of his or her rights,

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175 remedies, and duties in regard to the income deduction order.

176 The statement shall state:

177 1. All fees or interest which shall be imposed.

178 2. The total amount of income to be deducted for each pay
 179 period until the arrearage, if any, is paid in full and shall
 180 state the total amount of income to be deducted for each pay
 181 period thereafter. The amounts deducted may not be in excess of
 182 that allowed under s. 303(b) of the Consumer Credit Protection
 183 Act, 15 U.S.C. s. 1673(b), as amended.

184 3. That the income deduction order applies to current and
 185 subsequent payors and periods of employment.

186 4. That a copy of the income deduction order or, in Title
 187 IV-D cases, the income deduction notice will be served on the
 188 obligor's payor or payors.

189 5. That enforcement of the income deduction order may only
 190 be contested on the ground of mistake of fact regarding the
 191 amount owed pursuant to the order establishing, enforcing, or
 192 modifying the obligation, the arrearages, or the identity of the
 193 obligor, the payor, or the obligee.

194 6. That the obligor is required to notify the obligee and,
 195 when the obligee is receiving IV-D services, the IV-D agency
 196 within 7 days of changes in the obligor's address, payors, and
 197 the addresses of his or her payors.

198 7. That, in Title IV-D cases, if an obligation to pay
 199 current support is reduced or terminated due to the emancipation
 200 of a child and the obligor owes an arrearage, retroactive
 201 support, delinquency, or costs, income deduction continues at
 202 the rate in effect immediately prior to emancipation until all

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203 arrearages, retroactive support, delinquencies, and costs are
 204 paid in full or until the amount of withholding is modified.

205 (2) ENFORCEMENT OF INCOME DEDUCTION ORDERS.--

206 (e) Notice to payor and income deduction notice. The
 207 notice to payor or, in Title IV-D cases, income deduction notice
 208 shall contain only information necessary for the payor to comply
 209 with the order providing for income deduction. The notice shall:

- 210 1. Provide the obligor's social security number.
- 211 2. Require the payor to deduct from the obligor's income
 212 the amount specified in the income deduction order, and in the
 213 case of a delinquency the amount specified in the notice of
 214 delinquency, and to pay that amount to the obligee or to the
 215 depository, as appropriate. The amount actually deducted plus
 216 all administrative charges shall not be in excess of the amount
 217 allowed under s. 303(b) of the Consumer Credit Protection Act,
 218 15 U.S.C. s. 1673(b);

- 219 3. Instruct the payor to implement income deduction no
 220 later than the first payment date which occurs more than 14 days
 221 after the date the income deduction notice was served on the
 222 payor, and the payor shall conform the amount specified in the
 223 income deduction order or, in Title IV-D cases, income deduction
 224 notice to the obligor's pay cycle. The court should request at
 225 the time of the order that the payment cycle reflect that of the
 226 payor;

- 227 4. Instruct the payor to forward, within 2 days after each
 228 date the obligor is entitled to payment from the payor, to the
 229 obligee or to the depository the amount deducted from the
 230 obligor's income, a statement as to whether the amount totally
 231 or partially satisfies the periodic amount specified in the

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232 income deduction order or, in Title IV-D cases, income deduction
 233 notice, and the specific date each deduction is made. If the IV-
 234 D agency is enforcing the order, the payor shall make these
 235 notifications to the agency instead of the obligee;

236 5. Specify that if a payor fails to deduct the proper
 237 amount from the obligor's income, the payor is liable for the
 238 amount the payor should have deducted, plus costs, interest, and
 239 reasonable attorney's fees;

240 6. Provide that the payor may collect up to \$5 against the
 241 obligor's income to reimburse the payor for administrative costs
 242 for the first income deduction and up to \$2 for each deduction
 243 thereafter;

244 7. State that the notice to payor or, in Title IV-D cases,
 245 income deduction notice, and in the case of a delinquency the
 246 notice of delinquency, are binding on the payor until further
 247 notice by the obligee, IV-D agency, or the court or until the
 248 payor no longer provides income to the obligor;

249 8. Instruct the payor that, when he or she no longer
 250 provides income to the obligor, he or she shall notify the
 251 obligee and shall also provide the obligor's last known address
 252 and the name and address of the obligor's new payor, if known;
 253 and that, if the payor violates this provision, the payor is
 254 subject to a civil penalty not to exceed \$250 for the first
 255 violation or \$500 for any subsequent violation. If the IV-D
 256 agency is enforcing the order, the payor shall make these
 257 notifications to the agency instead of to the obligee. Penalties
 258 shall be paid to the obligee or the IV-D agency, whichever is
 259 enforcing the income deduction order;

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260 9. State that the payor shall not discharge, refuse to
 261 employ, or take disciplinary action against an obligor because
 262 of the requirement for income deduction and shall state that a
 263 violation of this provision subjects the payor to a civil
 264 penalty not to exceed \$250 for the first violation or \$500 for
 265 any subsequent violation. Penalties shall be paid to the obligee
 266 or the IV-D agency, whichever is enforcing the income deduction,
 267 if any alimony or child support obligation is owing. If no
 268 alimony or child support obligation is owing, the penalty shall
 269 be paid to the obligor;

270 10. State that an obligor may bring a civil action in the
 271 courts of this state against a payor who refuses to employ,
 272 discharges, or otherwise disciplines an obligor because of
 273 income deduction. The obligor is entitled to reinstatement and
 274 all wages and benefits lost, plus reasonable attorney's fees and
 275 costs incurred;

276 11. Inform the payor that the requirement for income
 277 deduction has priority over all other legal processes under
 278 state law pertaining to the same income and that payment, as
 279 required by the notice to payor or income deduction notice, is a
 280 complete defense by the payor against any claims of the obligor
 281 or his or her creditors as to the sum paid;

282 12. Inform the payor that, when the payor receives notices
 283 to payor or income deduction notices requiring that the income
 284 of two or more obligors be deducted and sent to the same
 285 depository, the payor may combine the amounts that are to be
 286 paid to the depository in a single payment as long as the
 287 payments attributable to each obligor are clearly identified;
 288 ~~and~~

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289 13. Inform the payor that if the payor receives more than
 290 one notice to payor or income deduction notice against the same
 291 obligor, the payor shall contact the court or, in Title IV-D
 292 cases, the Title IV-D agency for further instructions. Upon
 293 being so contacted, the court or, in Title IV-D cases when all
 294 the cases upon which the notices are based are Title IV-D cases,
 295 the Title IV-D agency shall allocate amounts available for
 296 income deduction as provided in subsection (4); and-

297 14. State that, in Title IV-D cases, if an obligation to
 298 pay current support is reduced or terminated due to the
 299 emancipation of a child and the obligor owes an arrearage,
 300 retroactive support, delinquency, or costs, income deduction
 301 continues at the rate in effect immediately prior to
 302 emancipation until all arrearages, retroactive support,
 303 delinquencies, and costs are paid in full or until the amount of
 304 withholding is modified.

305 (f) At any time an income deduction order is being
 306 enforced, the obligor may apply to the court for a hearing to
 307 contest the continued enforcement of the income deduction on the
 308 same grounds set out in paragraph (c), with a copy to the
 309 obligee and, in Title IV-D cases, to the Title IV-D agency. If
 310 the income deduction order being enforced was rendered by the
 311 Title IV-D agency pursuant to s. 409.2563 and the obligor
 312 contests withholding, the obligor shall file a petition for an
 313 administrative hearing with the Title IV-D agency. The
 314 application or petition does not affect the continued
 315 enforcement of the income deduction until the court, or Title
 316 IV-D agency, if applicable, enters an order granting relief to
 317 the obligor. The obligee or the Title IV-D agency is released

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318 from liability for improper receipt of moneys pursuant to an
 319 income deduction order upon return to the appropriate party of
 320 any moneys received.

321 (3)(a) It is the intent of the Legislature that this
 322 section may be used to collect arrearages in child support
 323 ~~payments or in alimony payments which have been accrued against~~
 324 ~~an obligor.~~

325 (b) In Title IV-D cases, if an obligation to pay current
 326 support is reduced or terminated due to the emancipation of a
 327 child and the obligor owes an arrearage, retroactive support,
 328 delinquency, or costs, income deduction continues at the rate in
 329 effect immediately prior to emancipation until all arrearages,
 330 retroactive support, delinquencies, and costs are paid in full
 331 or until the amount of withholding is modified. The department
 332 shall send notice of this requirement by regular mail to the
 333 payor and obligor. The department shall inform the obligor that
 334 withholding may be contested as provided by paragraph (2)(f) and
 335 that the obligor may request the tribunal that issued the income
 336 deduction order to modify the amount of withholding. This
 337 paragraph provides an additional remedy for collection of unpaid
 338 support and applies to cases in which a support order or income
 339 deduction order was entered before, on, or after July 1, 2004.

340 Section 4. Effective July 1, 2004, subsection (1) of
 341 section 61.181, Florida Statutes, is amended to read:

342 61.181 Depository for alimony transactions, support,
 343 maintenance, and support payments; fees.--

344 (1)(a) The office of the clerk of the court shall operate
 345 a depository unless the depository is otherwise created by
 346 special act of the Legislature or unless, prior to June 1, 1985,

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347 a different entity was established to perform such functions.
 348 The department shall, no later than July 1, 1998, extend
 349 participation in the federal child support cost reimbursement
 350 program to the central depository in each county, to the maximum
 351 extent possible under existing federal law. The depository shall
 352 receive reimbursement for services provided under a cooperative
 353 agreement with the department pursuant to s. 61.1826. Each
 354 depository shall participate in the State Disbursement Unit and
 355 shall implement all statutory and contractual duties imposed on
 356 the State Disbursement Unit. Each depository shall receive from
 357 and transmit to the State Disbursement Unit required data
 358 through the Clerk of Court Child Support Enforcement Collection
 359 System. Payments on non-Title IV-D cases without income
 360 deduction orders shall not be sent to the State Disbursement
 361 Unit.

362 (b) Upon request of the department, the depository created
 363 pursuant to paragraph (a) shall establish an account for the
 364 receipt and disbursement of support payments for Title IV-D
 365 interstate cases. The department shall provide a copy of the
 366 other state's order with the request, and the depository shall
 367 advise the department of the account number in writing within 4
 368 business days after receipt of such request.

369 Section 5. Section 61.1814, Florida Statutes, is amended
 370 to read:

371 61.1814 Child Support Enforcement Application and Program
 372 Revenue Trust Fund.--

373 (1) The Child Support Enforcement Application and Program
 374 Revenue Trust Fund is hereby created, to be administered by the
 375 Department of Revenue. The purpose of the trust fund is to

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376 account for Title IV-D program income and to support the
 377 activities of the child support enforcement program under Title
 378 IV-D of the Social Security Act. The department shall invest the
 379 moneys in the trust fund pursuant to ss. 215.44-215.52 and
 380 retain all interest earnings in the trust fund. Notwithstanding
 381 the provisions of s. 216.301 and pursuant to s. 216.351, any
 382 balance in the trust fund at the end of any fiscal year shall
 383 remain in the trust fund and shall be available for carrying out
 384 the purposes of the trust fund. In accordance with federal
 385 requirements, the federal share of program income shall be
 386 credited to the Federal Government.

387 (2) With the exception of fees required to be deposited in
 388 the Clerk of the Court Child Support Enforcement Collection
 389 System Trust Fund under s. 61.181(2)(b) and collections
 390 determined to be undistributable or unidentifiable under s.
 391 409.2558, the fund shall be used for the deposit of Title IV-D
 392 program income received by the department. Each type of program
 393 income received shall be accounted for separately. Program
 394 income received by the department includes, but is not limited
 395 to:

396 (a) Application fees of nonpublic assistance applicants
 397 for child support enforcement services.

398 (b) Court-ordered costs recovered from child support
 399 obligors.

400 (c) Interest on child support collections.

401 (d) The balance of fees received under s. 61.181(2)(a) on
 402 non-Title IV-D cases required to be processed through the State
 403 Disbursement Unit after the clerk's share is paid. ~~and~~

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404 (e) Fines imposed under ss. 409.2564(8) and 409.2578.
 405 ~~Moneys deposited from fines imposed under ss. 409.2564(8) and~~
 406 ~~409.2578 shall be maintained separately from moneys deposited~~
 407 ~~from application fees.~~

408 Section 6. Paragraph (c) of subsection (14) of section
 409 120.80, Florida Statutes, is amended to read:

410 120.80 Exceptions and special requirements; agencies.--

411 (14) DEPARTMENT OF REVENUE.--

412 (c) Proceedings for administrative support orders.--In
 413 proceedings for the establishment of administrative support
 414 orders pursuant to s. 409.2563, final orders in cases referred
 415 by the Department of Revenue to the Division of Administrative
 416 Hearings shall be entered by the division's administrative law
 417 judge and transmitted to the Department of Revenue for filing
 418 and rendering. The Department of Revenue has the right to seek
 419 judicial review under s. 120.68 of a final order entered by an
 420 administrative law judge. Administrative support orders rendered
 421 pursuant to s. 409.2563 may be enforced pursuant to s. 120.69
 422 or, alternatively, by any method prescribed by law for the
 423 enforcement of judicial support orders, except contempt.
 424 Hearings held by the Division of Administrative Hearings
 425 pursuant to s. 409.2563 shall be held in the judicial circuit in
 426 which the person receiving services under Title IV-D resides or,
 427 if the person receiving services under Title IV-D does not
 428 reside in this state, in the judicial circuit in which the
 429 respondent resides. If the department and the respondent agree,
 430 the hearing may be held in another location. If ordered by the
 431 administrative law judge, the hearing may be conducted by
 432 telephone or videoconference.

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433 Section 7. Effective July 1, 2004, paragraph (c) of
 434 subsection (2) of section 382.013, Florida Statutes, is amended
 435 to read:

436 382.013 Birth registration.--A certificate for each live
 437 birth that occurs in this state shall be filed within 5 days
 438 after such birth with the local registrar of the district in
 439 which the birth occurred and shall be registered by the local
 440 registrar if the certificate has been completed and filed in
 441 accordance with this chapter and adopted rules. The information
 442 regarding registered births shall be used for comparison with
 443 information in the state case registry, as defined in chapter
 444 61.

445 (2) PATERNITY.--

446 (c) If the mother is not married at the time of the birth,
 447 the name of the father may not be entered on the birth
 448 certificate without the execution of an affidavit signed by both
 449 the mother and the person to be named as the father. The
 450 facility shall give notice orally or through the use of video or
 451 audio equipment, and in writing, of the alternatives to, the
 452 legal consequences of, and the rights, including, if one parent
 453 is a minor, any rights afforded due to minority status, and
 454 responsibilities that arise from signing an acknowledgment of
 455 paternity, as well as information provided by the Title IV-D
 456 agency established pursuant to s. 409.2557, regarding the
 457 benefits of voluntary establishment of paternity. Upon request
 458 of the mother and the person to be named as the father, the
 459 facility shall assist in the execution of the affidavit or a
 460 notarized voluntary acknowledgment of paternity, or a voluntary
 461 acknowledgment of paternity that is witnessed by two individuals

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462 and signed under penalty of perjury as specified in s.
 463 92.525(2).

464 Section 8. Effective July 1, 2004, paragraph (b) of
 465 subsection (1) of section 382.016, Florida Statutes, is amended
 466 to read:

467 382.016 Amendment of records.--The department, upon
 468 receipt of the fee prescribed in s. 382.0255; documentary
 469 evidence, as specified by rule, of any misstatement, error, or
 470 omission occurring in any birth, death, or fetal death record;
 471 and an affidavit setting forth the changes to be made, shall
 472 amend or replace the original certificate as necessary.

473 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

474 (b) Upon written request and receipt of an affidavit or
 475 notarized voluntary acknowledgment of paternity signed by the
 476 mother and father acknowledging the paternity of a registrant
 477 born out of wedlock, or a voluntary acknowledgment of paternity
 478 that is witnessed by two individuals and signed under penalty of
 479 perjury as specified in s. 92.525(2), together with sufficient
 480 information to identify the original certificate of live birth,
 481 the department shall prepare a new birth certificate, which
 482 shall bear the same file number as the original birth
 483 certificate. The names and identifying information of the
 484 parents shall be entered as of the date of the registrant's
 485 birth. The surname of the registrant may be changed from that
 486 shown on the original birth certificate at the request of the
 487 mother and father of the registrant, or the registrant if of
 488 legal age. If the mother and father marry each other at any time
 489 after the registrant's birth, the department shall, upon the
 490 request of the mother and father or registrant if of legal age

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491 and proof of the marriage, amend the certificate with regard to
 492 the parents' marital status as though the parents were married
 493 at the time of birth. The department shall substitute the new
 494 certificate of birth for the original certificate on file. All
 495 copies of the original certificate of live birth in the custody
 496 of a local registrar or other state custodian of vital records
 497 shall be forwarded to the State Registrar. Thereafter, when a
 498 certified copy of the certificate of birth or portion thereof is
 499 issued, it shall be a copy of the new certificate of birth or
 500 portion thereof, except when a court order requires issuance of
 501 a certified copy of the original certificate of birth. The
 502 department shall place the original certificate of birth and all
 503 papers pertaining thereto under seal, not to be broken except by
 504 order of a court of competent jurisdiction or as otherwise
 505 provided by law.

506 Section 9. Paragraph (b) of subsection (2) of section
 507 409.2558, Florida Statutes, is amended to read:

508 409.2558 Support distribution and disbursement.--

509 (2) UNDISTRIBUTABLE COLLECTIONS.--

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

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

514 2. Apply the payment to any administrative costs ordered
 515 by the court pursuant to s. 409.2567 associated with the
 516 custodial parent's case; then

517 3. When the noncustodial parent is subject to a valid
 518 order to support another child ~~other children~~ in a another case
 519 with a different custodial parent and the obligation is being

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520 enforced by the department, the department shall send by
 521 certified mail, return receipt requested, to the noncustodial
 522 parent at the most recent address provided by the noncustodial
 523 parent to the tribunal that issued the order, a notice stating
 524 the department's intention to apply the payment pursuant to this
 525 subparagraph and advising the noncustodial parent of the right
 526 to contest the department's proposed action in the circuit court
 527 by filing and serving a petition on the department within 30
 528 days after the mailing of the notice. If the noncustodial parent
 529 does not file and serve a petition within 30 days after mailing
 530 of the notice, or upon disposition of the judicial action
 531 favorable to the department, the department shall, ~~with the~~
 532 ~~noncustodial parent's permission,~~ apply the payment towards his
 533 or her other support obligation. If there is more than one such
 534 other case, the department shall allocate the remaining
 535 undistributable amount as specified in s. 61.1301(4)(c); then

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

537 5. If the noncustodial parent cannot be located after
 538 diligent efforts by the department, the federal share of the
 539 payment shall be credited to the Federal Government and the
 540 state share shall be transferred to the General Revenue Fund.

541 Section 10. Subsection (1) of section 409.2561, Florida
 542 Statutes, is amended to read:

543 409.2561 Support obligations when public assistance is
 544 paid; assignment of rights; subrogation; medical and health
 545 insurance information.--

546 (1) Any payment of temporary cash or Title IV-E assistance
 547 made to, or for the benefit of, any dependent child creates an
 548 obligation in an amount determined pursuant to the child support

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549 guidelines. In accordance with 42 U.S.C. s. 657, the state shall
 550 retain amounts collected only to the extent necessary to
 551 reimburse amounts paid to the family as assistance by the state.
 552 Such amounts collected shall be deposited into the General
 553 Revenue Fund up to the level specified in s. 61.1812. If there
 554 has been a prior support court order or final judgment of
 555 dissolution of marriage establishing an obligation of support,
 556 the obligation is limited to the amount provided by such support
 557 ~~court~~ order or decree. The extraordinary remedy of contempt is
 558 applicable in child support enforcement cases because of the
 559 public necessity for ensuring that dependent children be
 560 maintained from the resources of their parents, thereby
 561 relieving, at least in part, the burden presently borne by the
 562 general citizenry through the public assistance program. If
 563 there is no prior support court order ~~establishing an obligation~~
 564 ~~of support~~, the court, or the department as provided by s.
 565 409.2563, shall establish the liability of the obligor, if any,
 566 by applying the child support guidelines. The department may
 567 apply for modification of a court order on the same grounds as
 568 either party to the cause and shall have the right to settle and
 569 compromise actions brought pursuant to law.

570 Section 11. Paragraph (m) of subsection (4) and subsection
 571 (8) of section 409.2563, Florida Statutes, are amended to read:

572 409.2563 Administrative establishment of child support
 573 obligations.--

574 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
 575 SUPPORT ORDER.--To commence a proceeding under this section, the
 576 department shall provide to the custodial parent and serve the
 577 noncustodial parent with a notice of proceeding to establish

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578 administrative support order and a blank financial affidavit
 579 form. The notice must state:

580 (m) That, ~~neither~~ neither the department nor the Division of
 581 Administrative Hearings has jurisdiction to award or change
 582 child custody or rights of parental contact and these issues may
 583 only be addressed in circuit court.

584 1. The noncustodial parent may request in writing that the
 585 department proceed in circuit court to determine his or her
 586 support obligations.

587 2. The noncustodial parent may state in writing to the
 588 department his or her intention to address issues concerning
 589 custody, or rights to parental contact, in circuit court.

590 3. If the noncustodial parent submits to the department
 591 the request mentioned in subparagraph 1. or the statement
 592 mentioned in subparagraph 2. within 20 days after the receipt of
 593 the initial notice, the department shall file a petition in
 594 circuit court for the determination of the noncustodial parent's
 595 child support obligations and shall send to the noncustodial
 596 parent a copy of its petition, a notice of commencement of
 597 action, and a request for waiver of service of process as
 598 provided in the Florida Rules of Civil Procedure.

599 4. If, within 10 days after receipt of the department's
 600 petition and waiver of service, the noncustodial parent signs
 601 and returns the waiver of service form to the department, the
 602 department shall terminate the administrative proceeding without
 603 prejudice and proceed in circuit court.

604 5. In any circuit court action filed by the department
 605 pursuant to this subsection or filed by a noncustodial parent or
 606 other person pursuant to paragraph (l) or paragraph (n), the

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607 department shall be a party only with respect to those issues of
 608 support allowed and reimbursable under Title IV-D of the Social
 609 Security Act. It is the responsibility of the noncustodial
 610 parent or other person to take the necessary steps to present
 611 other issues for the court to consider ~~That if the noncustodial~~
 612 ~~parent has issues regarding child custody or right of parental~~
 613 ~~contact or requests to proceed in circuit court, the~~
 614 ~~noncustodial parent may request in writing that the department~~
 615 ~~proceed in circuit court to determine support. That the~~
 616 ~~noncustodial parent must make such request in writing within 20~~
 617 ~~days after receipt of the initial notice. That upon such~~
 618 ~~request, the department shall send the noncustodial parent by~~
 619 ~~regular mail a copy of the department's petition and waiver of~~
 620 ~~service form. That the noncustodial parent must sign and return~~
 621 ~~the waiver of service form, within 10 days of receipt of the~~
 622 ~~petition, at which time the department shall terminate the~~
 623 ~~administrative proceeding and file an action in circuit court to~~
 624 ~~determine support;~~

625
 626 The department may serve the notice of proceeding to establish
 627 administrative support order by certified mail, restricted
 628 delivery, return receipt requested. Alternatively, the
 629 department may serve the notice by any means permitted for
 630 service of process in a civil action. For purposes of this
 631 section, an authorized employee of the department may serve the
 632 notice and execute an affidavit of service. Service by certified
 633 mail is completed when the certified mail is received or refused
 634 by the addressee or by an authorized agent as designated by the
 635 addressee in writing. If a person other than the addressee signs

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636 the return receipt, the department shall attempt to reach the
 637 addressee by telephone to confirm whether the notice was
 638 received, and the department shall document any telephonic
 639 communications. If someone other than the addressee signs the
 640 return receipt, the addressee does not respond to the notice,
 641 and the department is unable to confirm that the addressee has
 642 received the notice, service is not completed and the department
 643 shall attempt to have the addressee served personally. The
 644 department shall provide the custodial parent or caretaker
 645 relative with a copy of the notice by regular mail to the last
 646 known address of the custodial parent or caretaker.

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

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

655 (b) Establish and maintain the necessary payment accounts;

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

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

660
 661 When a proceeding to establish an administrative support order
 662 is commenced under subsection (4), the department shall file a
 663 copy of the initial notice with the depository. The depository
 664 shall assign an account number and provide the account number to

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665 the department within 4 business days after the initial notice
 666 is filed.

667 Section 12. Subsection (3) of section 409.25656, Florida
 668 Statutes, is amended to read:

669 409.25656 Garnishment.--

670 (3) During the last 30 days of the 60-day period set forth
 671 in subsection (1), the executive director or his or her designee
 672 may levy upon such credits, personal property, or debts. The
 673 levy must be accomplished by delivery of a notice of levy by
 674 registered mail, upon receipt of which the person possessing the
 675 credits, other personal property, or debts shall transfer them
 676 to the department or pay to the department the amount owed by
 677 the obligor. If the department levies upon securities and the
 678 value of the securities is less than the total amount of past
 679 due or overdue support, the person who possesses or controls the
 680 securities shall liquidate the securities in a commercially
 681 reasonable manner. After liquidation, the person shall transfer
 682 to the department the proceeds, less any applicable commissions
 683 or fees, or both, which are charged in the normal course of
 684 business. If the value of the securities exceeds the total
 685 amount of past due or overdue support, the obligor may, within 7
 686 days after receipt of the department's notice of levy, instruct
 687 the person who possesses or controls the securities which
 688 securities are to be sold to satisfy the obligation for past due
 689 or overdue support. If the obligor does not provide instructions
 690 for liquidation, the person who possesses or controls the
 691 securities shall liquidate the securities in a commercially
 692 reasonable manner ~~and~~ in an amount sufficient to cover the
 693 obligation for past due or overdue support and, ~~less~~ any

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694 applicable commissions or fees, or both, which are charged in
 695 the normal course of business, beginning with the securities
 696 purchased most recently. After liquidation, the person who
 697 possesses or controls the securities shall transfer to the
 698 department the total amount of past due or overdue support.

699 Section 13. Section 409.257, Florida Statutes, is amended
 700 to read:

701 409.257 Service of process.--The service of initial
 702 process and orders in lawsuits filed by the department, under
 703 this act, shall be served by the sheriff in the county where the
 704 person to be served may be found or, if determined more
 705 effective by the department, by any means permitted under
 706 chapter 48 for service of process in a civil action. The sheriff
 707 shall be reimbursed at the prevailing rate of federal financial
 708 participation for service of process and orders as allowed by
 709 law. The sheriff shall bill the department monthly as provided
 710 for in s. 30.51(2). In addition, process and orders may be
 711 served or executed by authorized agents of the department at the
 712 department's discretion; provided that the agent of the
 713 department does not take any action against personal property,
 714 real property, or persons. Notices and other intermediate
 715 process, except witness subpoenas, shall be served by the
 716 department as provided for in the Florida Rules of Civil
 717 Procedure. Witness subpoenas shall be served by the department
 718 by certified mail as provided for in s. 48.031(3).

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

721 409.2572 Cooperation.--

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

725 (a) Identifying and helping to locate the alleged parent
 726 or obligor.

727 (b) Assisting in establishing the paternity of a child
 728 born out of wedlock.

729 (c) Assisting in obtaining support payments from the
 730 obligor.

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

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

736 (f) Appearing at an office of the department, or another
 737 designated office, as necessary to provide verbal or written
 738 information, or documentary or physical evidence, known to,
 739 possessed by, or reasonably obtainable by the applicant or
 740 recipient.

741 (g) Appearing as a witness at judicial or other hearings
 742 or proceedings.

743 (h) Providing information under oath regarding the
 744 identity or location of the alleged father of the child or
 745 attesting to the lack of information.

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

748 (2) Noncooperation, or failure to cooperate in good faith,
 749 is defined to include, but is not limited to, the following
 750 conduct:

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751 (a) ~~Failing or~~ Refusing to identify the father of the
 752 child, or where more than one man could be the father of the
 753 child, refusing to identify all such persons. ~~If the mother~~
 754 ~~identifies one or more persons as the possible father of the~~
 755 ~~child and asserts that there are no others who could be the~~
 756 ~~father of the child, but the DNA test, Human Leukocyte Antigen~~
 757 ~~test, or other scientific test indicates that none of the~~
 758 ~~persons identified could in fact have been the father of the~~
 759 ~~child, the mother shall be deemed noncooperative. If she~~
 760 ~~subsequently identifies another person as the possible father of~~
 761 ~~the child, she shall still be deemed noncooperative until that~~
 762 ~~person has been given the DNA test, Human Leukocyte Antigen~~
 763 ~~test, or other scientific test and is not excluded as the father~~
 764 ~~by the test.~~

765 (b) Failing to appear for two appointments at the
 766 department or other designated office without justification and
 767 notice.

768 (c) Providing false information regarding the paternity of
 769 the child or the obligation of the obligor.

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

773 (e) Failure to appear to submit a DNA sample at the
 774 ~~laboratory for drawing of blood samples~~, or leaving the location
 775 ~~laboratory~~ prior to submitting a DNA sample ~~the drawing of blood~~
 776 ~~samples~~ without compelling reasons.

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

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779 Section 15. Subsection (1) of section 409.259, Florida
 780 Statutes, is amended to read:

781 409.259 ~~Partial payment of~~ Filing fees in Title IV-D
 782 cases.--

783 (1) Notwithstanding s. 28.241, each clerk of the circuit
 784 court shall accept petitions, complaints, and motions filed by
 785 the department in Title IV-D cases without billing the
 786 department separately for each filing, since the clerk is being
 787 reimbursed in a different manner for expenses incurred in such
 788 filings under the cooperative agreement with the department
 789 pursuant to ss. 61.181(1) and 61.1826(2) and (4) only be
 790 reimbursed at the prevailing rate of federal financial
 791 participation on the amount of \$40 for each civil action, suit,
 792 or proceeding for support instituted in the circuit court in
 793 which the parent is not receiving temporary cash assistance. The
 794 prevailing rate of the state match shall be paid by the local
 795 government in the form of a certified public expenditure. The
 796 clerk of the circuit court shall bill the department monthly.
 797 The clerk of the circuit court and the department shall maintain
 798 a monthly log of the number of civil actions, suits, or
 799 proceedings filed in which the parent does not receive temporary
 800 assistance. These monthly logs will be used to determine the
 801 number of \$40 filings the clerk of court may submit for
 802 reimbursement at the prevailing rate of federal financial
 803 participation.

804 Section 16. Effective, July 1, 2004, section 409.2598,
 805 Florida Statutes, is amended to read:

806 409.2598 Suspension or denial of new or renewal licenses;
 807 registrations; certifications.--

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808 (1) As used in this section, the term:

809 (a) "License" means a license, permit, certificate,
 810 registration, franchise, or other form of written permission
 811 issued by a licensing agency to an individual that authorizes
 812 the individual to engage in an occupation, business, trade, or
 813 profession or to engage in a recreational activity, including
 814 hunting and fishing. Where the context permits, the term also
 815 includes an application for a new or renewal license.

816 (b) "Licensee" means an individual who has a license.

817 (c) "Licensing agency" means a department, commission,
 818 agency, district, county, municipality, or other subdivision of
 819 state or local government that issues licenses.

820 (2)(1) The Title IV-D agency may petition the court that
 821 entered the support order or the court that is enforcing the
 822 support order to deny or suspend the license, ~~registration, or~~
 823 ~~certificate issued under chapter 370, chapter 372, chapter 409,~~
 824 ~~chapter 455, chapter 456, chapter 559, chapter 1012, s. 328.42,~~
 825 ~~or s. 597.010~~ of any obligor with a delinquent support
 826 obligation or who fails, after receiving appropriate notice, to
 827 comply with subpoenas, orders to appear, orders to show cause,
 828 or similar orders relating to paternity or support proceedings.
 829 However, a petition may not be filed until the Title IV-D agency
 830 has exhausted all other available remedies. The purpose of this
 831 section is to promote the public policy of the state as
 832 established in s. 409.2551.

833 ~~(2) The Title IV-D agency is authorized to screen all~~
 834 ~~applicants for new or renewal licenses, registrations, or~~
 835 ~~certificates and current licenses, registrations, or~~
 836 ~~certificates and current licensees, registration holders, and~~

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837 ~~certificateholders of all licenses, registrations, and~~
 838 ~~certificates issued under chapter 370, chapter 409, chapter 455,~~
 839 ~~chapter 456, chapter 559, chapter 1012, or s. 328.42 to ensure~~
 840 ~~compliance with any support obligation and any subpoenas, orders~~
 841 ~~to appear, orders to show cause, or similar orders relating to~~
 842 ~~paternity or support proceedings. If the Title IV-D agency~~
 843 ~~determines that an applicant, licensee, registration holder, or~~
 844 ~~certificateholder is an obligor who is delinquent on a support~~
 845 ~~obligation or who is not in compliance with a subpoena, order to~~
 846 ~~appear, order to show cause, or similar order relating to~~
 847 ~~paternity or support proceedings, the Title IV-D agency shall~~
 848 ~~certify the delinquency pursuant to s. 61.14.~~

849 (3) The Title IV-D agency shall give notice to any obligor
 850 who is an applicant for a new or renewal license ~~or certificate~~
 851 or the holder of a current license ~~or certificate~~ when a
 852 delinquency exists in the support obligation or when an obligor
 853 has failed to comply with a subpoena, order to appear, order to
 854 show cause, or similar order relating to paternity or support
 855 proceeding. The notice shall specify that the obligor has 30
 856 days from the date of mailing of the notice ~~on which service of~~
 857 ~~the notice is complete~~ to pay the delinquency or to reach an
 858 agreement to pay the delinquency with the Title IV-D agency or
 859 comply with the subpoena, order to appear, order to show cause,
 860 or similar order. The notice shall specify that, if payment is
 861 not made or an agreement cannot be reached, or if the subpoena,
 862 order to appear, order to show cause, or similar order is not
 863 complied with, the application may be denied or the license ~~or~~
 864 ~~certification~~ may be suspended pursuant to a court order.

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865 (4) If the obligor fails to pay the delinquency or enter
 866 into a repayment agreement with the department ~~reach an~~
 867 ~~agreeable payment arrangement~~ or comply with the subpoena, order
 868 to appear, order to show cause, or similar order within 30 days
 869 following completion of service of the notice, the Title IV-D
 870 agency shall send a second notice to the obligor stating that
 871 the obligor has 30 days to pay the delinquency or reach an
 872 agreement to pay the delinquency with the Title IV-D agency or
 873 comply with the subpoena, order to appear, order to show cause,
 874 or similar order. If the obligor fails to respond to either
 875 notice from the Title IV-D agency or if the obligor fails to pay
 876 the delinquency or reach an agreement to pay the delinquency or
 877 comply with the subpoena, order to appear, order to show cause,
 878 or similar order after the second notice, the Title IV-D agency
 879 may petition the court which entered the support order or the
 880 court which is enforcing the support order to deny the
 881 application for the license ~~or certificate~~ or to suspend the
 882 license ~~or certificate~~ of the obligor. However, no petition may
 883 be filed until the Title IV-D agency has exhausted all other
 884 available remedies. The court may find that it would be
 885 inappropriate to deny a license or suspend a license ~~or~~
 886 ~~certificate~~ if:

887 (a) Denial or suspension would result in irreparable harm
 888 to the obligor or employees of the obligor or would not
 889 accomplish the objective of collecting the delinquency; or

890 (b) The obligor demonstrates that he or she has made a
 891 good faith effort to reach an agreement with the Title IV-D
 892 agency.

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894 The court may not deny or suspend a license ~~or certificate~~ if
 895 the court determines that an alternative remedy is available to
 896 the Title IV-D agency which is likely to accomplish the
 897 objective of collecting the delinquency or obtaining compliance
 898 with the subpoena, order to appear, order to show cause, or
 899 similar order. If the obligor fails in the defense of a petition
 900 for denial or suspension, the court which entered the support
 901 order or the court which is enforcing the support order shall
 902 enter an order to deny the application for the license ~~or~~
 903 ~~certification~~ or to suspend the license ~~or certification~~ of the
 904 obligor. The court shall order the obligor to surrender the
 905 license ~~or certification~~ to the Title IV-D agency, which will
 906 return the license ~~or certification~~ and a copy of the order of
 907 suspension to the appropriate ~~department or~~ licensing agency
 908 entity.

909 (5) If the court denies or suspends a license ~~or~~
 910 ~~certification~~ and the obligor subsequently pays the delinquency
 911 or reaches an agreement with the Title IV-D agency to settle the
 912 delinquency and makes the first payment required by the
 913 agreement, or complies with the subpoena, order to appear, order
 914 to show cause, or similar order, the license ~~or certificate~~
 915 shall be issued or reinstated upon written proof to the court
 916 that the obligor has complied with the terms of the court order,
 917 subpoena, order to appear, order to show cause, or similar
 918 order. Proof of payment shall consist of a certified copy of the
 919 payment record issued by the depository. The court shall order
 920 the appropriate licensing agency ~~department or license board~~ to
 921 issue or reinstate the license ~~or certificate~~ without additional
 922 charge to the obligor.

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923 (6) The licensing agency ~~department~~ shall, when directed
 924 by the court, suspend or deny the license ~~or certificate~~ of any
 925 licensee ~~or certificateholder~~ under its jurisdiction found to
 926 have a delinquent support obligation or not to be in compliance
 927 with a subpoena, order to appear, order to show cause, or
 928 similar order. The licensing agency ~~department~~ shall issue or
 929 reinstate the license ~~or certificate~~ without additional charge
 930 to the licensee ~~or certificateholder~~ when notified by the court
 931 that the licensee ~~or certificateholder~~ has complied with the
 932 terms of the court order, or subpoena, order to appear, order to
 933 show cause, or similar order.

934 (7) Notice shall be served under this section by regular
 935 mail ~~mailing it by certified mail, return receipt requested,~~ to
 936 the obligor at his or her last address of record with the local
 937 depository or a more recent address, if known. ~~If the obligor~~
 938 ~~has no address of record with the local depository, or if the~~
 939 ~~last address of record with the local depository is incorrect,~~
 940 ~~service shall be by publication as provided in chapter 49. When~~
 941 ~~service of the notice is made by mail, service is complete upon~~
 942 ~~the receipt of the notice by the obligor.~~

943 Section 17. Section 409.25659, Florida Statutes, is
 944 created to read:

945 409.25659 Insurance claim data exchange.--

946 (1) As used in this section, the term:

947 (a) "Insurer" means an entity that is responsible for
 948 paying a claim on liability coverage in an insurance contract
 949 and which is:

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

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952 2. An eligible surplus lines insurer pursuant to part VIII
 953 of chapter 626;

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

956 4. An insurance risk apportionment plan operating pursuant
 957 to s. 627.351.

958 (b) "Claim" means an open, unresolved claim on liability
 959 coverage in an insurance contract payable to an individual, or
 960 to a third party for the benefit of the individual, who is a
 961 resident of this state or who had an accident or loss that
 962 occurred in this state.

963 (2) The department shall develop and operate a data match
 964 system after consultation with one or more insurers, using
 965 automated data exchanges to the maximum extent feasible, in
 966 which an insurer is required to provide the department monthly
 967 with the name, address, and, if known, date of birth and social
 968 security number or other taxpayer identification number for each
 969 noncustodial parent who has a claim with the insurer and who
 970 owes past due support, and the claim number, claim processing
 971 agent's name, address, and phone number, and any other
 972 identifying information maintained by the insurer for each
 973 claim. An insurer may comply with this requirement by:

974 (a) Authorizing the department to obtain claim information
 975 from an insurance claim data collection organization to which
 976 the insurer subscribes and to which the insurer submits the
 977 required claim data on at least a monthly basis;

978 (b) Providing the required data for each claim being
 979 maintained by the insurer directly to the department in an
 980 electronic medium; or

981 (c) Receiving a data file from the department and
 982 conducting a data match of all noncustodial parents who have a
 983 claim with the insurer and who owe past due support and
 984 submitting the required data for each noncustodial parent to the
 985 department.

986 (3) The department shall establish by rule a standard fee,
 987 not to exceed actual costs, and pay the fee upon request to an
 988 insurer for conducting a data match as provided by subsection
 989 (2)(c).

990 (4) An insurer and its directors, agents, and employees,
 991 and any central reporting organization and its agents and
 992 employees authorized by an insurer to act on its behalf, which
 993 comply with the requirements of this section are immune from any
 994 liability to the claimant or other payees, lien holders, or
 995 other affected entities for any alleged or actual damages that
 996 occur as a result of compliance with these requirements.

997 (5) The department may adopt rules to implement and
 998 administer this section.

999 Section 18. Effective July 1, 2004, subsection (1) of
 1000 section 742.10, Florida Statutes, is amended to read:

1001 742.10 Establishment of paternity for children born out of
 1002 wedlock.--

1003 (1) This chapter provides the primary jurisdiction and
 1004 procedures for the determination of paternity for children born
 1005 out of wedlock. When the establishment of paternity has been
 1006 raised and determined within an adjudicatory hearing brought
 1007 under the statutes governing inheritance, or dependency under
 1008 workers' compensation or similar compensation programs, or when
 1009 an affidavit acknowledging paternity or a stipulation of

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1010 paternity is executed by both parties and filed with the clerk
 1011 of the court, or when an affidavit, a ~~or~~ notarized voluntary
 1012 acknowledgment of paternity, or a voluntary acknowledgment of
 1013 paternity that is witnessed by two individuals and signed under
 1014 penalty of perjury as provided for in s. 382.013 or s. 382.016
 1015 is executed by both parties, it shall constitute the
 1016 establishment of paternity for purposes of this chapter. If no
 1017 adjudicatory proceeding was held, a notarized voluntary
 1018 acknowledgment of paternity or voluntary acknowledgment of
 1019 paternity that is witnessed by two individuals and signed under
 1020 penalty of perjury as specified by s. 92.525(2) shall create a
 1021 rebuttable presumption, as defined by s. 90.304, of paternity
 1022 and is subject to the right of any signatory to rescind the
 1023 acknowledgment within 60 days of the date the acknowledgment was
 1024 signed or the date of an administrative or judicial proceeding
 1025 relating to the child, including a proceeding to establish a
 1026 support order, in which the signatory is a party, whichever is
 1027 earlier. Both parents shall ~~are required to~~ provide their social
 1028 security numbers on any acknowledgment of paternity, consent
 1029 affidavit, or stipulation of paternity. Except for affidavits
 1030 under seal pursuant to ss. 382.015 and 382.016, the Office of
 1031 Vital Statistics shall provide certified copies of affidavits to
 1032 the Title IV-D agency upon request.

1033 Section 19. Except as otherwise provided herein, this act
 1034 shall take effect upon becoming a law.