

By the Committee on Judiciary; and Senator Campbell

590-2071-05

1 A bill to be entitled
2 An act relating to child support enforcement;
3 amending s. 61.13, F.S.; providing civil
4 penalties for employers, unions, and plan
5 administrators not in compliance with
6 requirements of the national medical support
7 notice; amending s. 61.1354, F.S.; providing
8 for sharing of information between consumer
9 reporting agencies and the Department of
10 Revenue relating to amount of current support
11 owed; requiring the department to continue
12 reporting to consumer reporting agencies once
13 overdue amount is paid if current support is
14 still owed; amending s. 61.14, F.S.; providing
15 conditions for collection of support from
16 workers' compensation settlements; providing
17 for amendment of settlement agreement;
18 providing for rulemaking by the Office of the
19 Judges of Compensation Claims; amending s.
20 61.1812, F.S.; correcting a reference; amending
21 s. 222.21, F.S.; correcting a reference;
22 amending s. 382.016, F.S.; providing exceptions
23 to the requirement that the department limit
24 access to an acknowledgment of paternity that
25 amends an original birth certificate; providing
26 conditions under which an original birth
27 certificate for a child born in this state
28 whose paternity is established in another state
29 may be amended; amending s. 409.2558, F.S.;
30 providing a procedure for redirecting payments
31 to the person with whom a child resides;

1 providing for notice and hearing; amending s.
2 409.2561, F.S.; providing limitation to
3 exemption for support order establishment to
4 recipients of supplemental security income and
5 temporary cash assistance; amending s.
6 409.2567, F.S.; eliminating requirement for a
7 monthly report by the department on funds
8 identified for collection from noncustodial
9 parents of children receiving temporary
10 assistance; amending s. 409.821, F.S.;
11 requiring the provision of information
12 identifying KidCare program applicants to the
13 department for Title IV-D purposes; providing
14 effective dates.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Effective October 1, 2005, paragraph (b) of
19 subsection (1) of section 61.13, Florida Statutes, is amended
20 to read:

21 61.13 Custody and support of children; visitation
22 rights; power of court in making orders.--

23 (1)

24 (b) Each order for support shall contain a provision
25 for health care coverage for the minor child when the coverage
26 is reasonably available. Coverage is reasonably available if
27 either the obligor or obligee has access at a reasonable rate
28 to a group health plan. The court may require the obligor
29 either to provide health care coverage or to reimburse the
30 obligee for the cost of health care coverage for the minor
31 child when coverage is provided by the obligee. In either

1 event, the court shall apportion the cost of coverage, and any
2 noncovered medical, dental, and prescription medication
3 expenses of the child, to both parties by adding the cost to
4 the basic obligation determined pursuant to s. 61.30(6). The
5 court may order that payment of uncovered medical, dental, and
6 prescription medication expenses of the minor child be made
7 directly to the obligee on a percentage basis.

8 1. In a non-Title IV-D case, a copy of the court order
9 for health care coverage shall be served on the obligor's
10 union or employer by the obligee when the following conditions
11 are met:

12 a. The obligor fails to provide written proof to the
13 obligee within 30 days after receiving effective notice of the
14 court order~~7~~ that the health care coverage has been obtained
15 or that application for coverage has been made;

16 b. The obligee serves written notice of intent to
17 enforce an order for health care coverage on the obligor by
18 mail at the obligor's last known address; and

19 c. The obligor fails within 15 days after the mailing
20 of the notice to provide written proof to the obligee that the
21 health care coverage existed as of the date of mailing.

22 2.a. A support order enforced under Title IV-D of the
23 Social Security Act which requires that the obligor provide
24 health care coverage is enforceable by the department through
25 the use of the national medical support notice, and an
26 amendment to the support order is not required. The department
27 shall transfer the national medical support notice to the
28 obligor's union or employer. The department shall notify the
29 obligor in writing that the notice has been sent to the
30 obligor's union or employer, and the written notification must
31 include the obligor's rights and duties under the national

1 | medical support notice. The obligor may contest the
2 | withholding required by the national medical support notice
3 | based on a mistake of fact. To contest the withholding, the
4 | obligor must file a written notice of contest with the
5 | department within 15 business days after the date the obligor
6 | receives written notification of the national medical support
7 | notice from the department. Filing with the department is
8 | complete when the notice is received by the person designated
9 | by the department in the written notification. The notice of
10 | contest must be in the form prescribed by the department. Upon
11 | the timely filing of a notice of contest, the department
12 | shall, within 5 business days, schedule an informal conference
13 | with the obligor to discuss the obligor's factual dispute. If
14 | the informal conference resolves the dispute to the obligor's
15 | satisfaction or if the obligor fails to attend the informal
16 | conference, the notice of contest is deemed withdrawn. If the
17 | informal conference does not resolve the dispute, the obligor
18 | may request an administrative hearing under chapter 120 within
19 | 5 business days after the termination of the informal
20 | conference, in a form and manner prescribed by the department.
21 | However, the filing of a notice of contest by the obligor does
22 | not delay the withholding of premium payments by the union,
23 | employer, or health plan administrator. The union, employer,
24 | or health plan administrator must implement the withholding as
25 | directed by the national medical support notice unless
26 | notified by the department that the national medical support
27 | notice is terminated.

28 | b. In a Title IV-D case, the department shall notify
29 | an obligor's union or employer if the obligation to provide
30 | health care coverage through that union or employer is
31 | terminated.

1 3. In a non-Title IV-D case, upon receipt of the order
2 pursuant to subparagraph 1., or upon application of the
3 obligor pursuant to the order, the union or employer shall
4 enroll the minor child as a beneficiary in the group health
5 plan regardless of any restrictions on the enrollment period
6 and withhold any required premium from the obligor's income.
7 If more than one plan is offered by the union or employer, the
8 child shall be enrolled in the group health plan in which the
9 obligor is enrolled.

10 4.a. Upon receipt of the national medical support
11 notice under subparagraph 2. in a Title IV-D case, the union
12 or employer shall transfer the notice to the appropriate group
13 health plan administrator within 20 business days after the
14 date on the notice. The plan administrator must enroll the
15 child as a beneficiary in the group health plan regardless of
16 any restrictions on the enrollment period, and the union or
17 employer must withhold any required premium from the obligor's
18 income upon notification by the plan administrator that the
19 child is enrolled. The child shall be enrolled in the group
20 health plan in which the obligor is enrolled. If the group
21 health plan in which the obligor is enrolled is not available
22 where the child resides or if the obligor is not enrolled in
23 group coverage, the child shall be enrolled in the lowest cost
24 group health plan that is available where the child resides.

25 b. If health care coverage or the obligor's employment
26 is terminated in a Title IV-D case, the union or employer that
27 is withholding premiums for health care coverage under a
28 national medical support notice must notify the department
29 within 20 days after the termination and provide the obligor's
30 last known address and the name and address of the obligor's
31 new employer, if known.

1 5.a. The amount withheld by a union or employer in
2 compliance with a support order may not exceed the amount
3 allowed under s. 303(b) of the Consumer Credit Protection Act,
4 15 U.S.C. s. 1673(b), as amended. The union or employer shall
5 withhold the maximum allowed by the Consumer Credit Protection
6 Act in the following order:

7 (I) Current support, as ordered.

8 (II) Premium payments for health care coverage, as
9 ordered.

10 (III) Past due support, as ordered.

11 (IV) Other medical support or coverage, as ordered.

12 b. If the combined amount to be withheld for current
13 support plus the premium payment for health care coverage
14 exceed the amount allowed under the Consumer Credit Protection
15 Act, and the health care coverage cannot be obtained unless
16 the full amount of the premium is paid, the union or employer
17 may not withhold the premium payment. However, the union or
18 employer shall withhold the maximum allowed in the following
19 order:

20 (I) Current support, as ordered.

21 (II) Past due support, as ordered.

22 (III) Other medical support or coverage, as ordered.

23 6. An employer, union, or plan administrator who does
24 not comply with the requirements of sub-subparagraph 4.a. is
25 subject to a civil penalty not to exceed \$250 for the first
26 violation and \$500 for subsequent violations, plus attorney's
27 fees and costs. The department may file a petition in circuit
28 court to enforce the requirements of this subparagraph.

29 ~~7.6.~~ The Department of Revenue may adopt rules to
30 administer the child support enforcement provisions of this
31 section which affect Title IV-D cases.

1 Section 2. Effective July 1, 2006, subsections (1) and
2 (2) of section 61.1354, Florida Statutes, are amended to read:

3 61.1354 Sharing of information between consumer
4 reporting agencies and the IV-D agency.--

5 (1) Upon receipt of a request from a consumer
6 reporting agency as defined in s. 603(f) of the Fair Credit
7 Reporting Act, the IV-D agency or the depository in
8 non-Title-IV-D cases shall make available information relating
9 to the amount of current and overdue support owed by an
10 obligor. The IV-D agency or the depository in non-Title-IV-D
11 cases shall give the obligor written notice, at least 15 days
12 prior to the release of information, of the IV-D agency's or
13 depository's authority to release information to consumer
14 reporting agencies relating to the amount of current and
15 overdue support owed by the obligor. The obligor shall be
16 informed of his or her right to request a hearing with the
17 IV-D agency or the court in non-Title-IV-D cases to contest
18 the accuracy of the information.

19 (2) The IV-D agency shall report periodically to
20 appropriate consumer reporting agencies, as identified by the
21 IV-D agency, the name and social security number of any
22 delinquent obligor, ~~and~~ the amount of overdue support owed by
23 the obligor, and the amount of current support owed by the
24 obligor when the overdue support is paid. The IV-D agency, or
25 its designee, shall provide the obligor with written notice,
26 at least 15 days prior to the initial release of information,
27 of the IV-D agency's authority to release the information
28 periodically to the consumer reporting agencies. The notice
29 shall state the amount of overdue support owed and the amount
30 of current support owed when the overdue support is paid and
31 shall inform the obligor of the right to request a hearing

1 with the IV-D agency within 15 days after receipt of the
2 notice to contest the accuracy of the information. After the
3 initial notice is given, no further notice or opportunity for
4 a hearing need be given when updated information concerning
5 the same obligor is periodically released to the consumer
6 reporting agencies.

7 Section 3. Effective December 1, 2005, paragraph (a)
8 of subsection (8) of section 61.14, Florida Statutes, is
9 amended to read:

10 61.14 Enforcement and modification of support,
11 maintenance, or alimony agreements or orders.--

12 (8)(a) When an employee and employer reach an
13 agreement for a lump-sum settlement under s. 440.20(11), no
14 proceeds of the settlement shall be disbursed to the employee,
15 nor shall any attorney's fees be disbursed, until after a
16 judge of compensation claims reviews the proposed disbursement
17 and enters an order finding the settlement provides for
18 appropriate recovery of any support arrearage. The employee,
19 or the employee's attorney if the employee is represented,
20 shall submit a written statement from the department as to
21 whether the employee owes unpaid support and, if so, the
22 amount owed. In addition, the judge of compensation claims may
23 require the employee to submit a similar statement from a
24 local depository established under s. 61.181. The sworn
25 statement of the employee that all existing support
26 obligations have been disclosed is also required. If the judge
27 finds the proposed allocation of support recovery
28 insufficient, the parties may amend the allocation of support
29 recovery within the settlement agreement to make the
30 allocation of proceeds sufficient. The Office of the Judges of
31 Compensation Claims shall adopt procedural rules to implement

1 ~~this paragraph. When reviewing and approving any lump sum~~
2 ~~settlement under s. 440.20(11)(a) and (b), a judge of~~
3 ~~compensation claims must consider whether the settlement~~
4 ~~serves the interests of the worker and the worker's family,~~
5 ~~including, but not limited to, whether the settlement provides~~
6 ~~for appropriate recovery of any child support arrearage.~~

7 Section 4. Subsection (1) of section 61.1812, Florida
8 Statutes, is amended to read:

9 61.1812 Child Support Incentive Trust Fund.--

10 (1) The Child Support Incentive Trust Fund is hereby
11 created, to be administered by the Department of Revenue. All
12 child support enforcement incentive earnings and that portion
13 of the state share of Title IV-A public assistance collections
14 recovered in fiscal year 1996-1997 by the Title IV-D program
15 of the department which is in excess of the amount estimated
16 by the February 1997 Social Services Estimating Conference to
17 be recovered in fiscal year 1996-1997 shall be credited to the
18 trust fund, and no other receipts, except interest earnings,
19 shall be credited thereto. For fiscal years beginning with
20 1997-1998, in addition to incentive earnings and interest
21 earnings, that portion of the state share of Title IV-A public
22 assistance collections recovered in each fiscal year by the
23 Title IV-D program of the department which is in excess of the
24 amount estimated by the February 1997 Social Services
25 Estimating Conference to be recovered in fiscal year 1997-1998
26 shall be credited to the trust fund. The purpose of the trust
27 fund is to account for federal incentive payments to the state
28 for child support enforcement and to support the activities of
29 the child support enforcement program under Title IV-D of the
30 Social Security Act. The department shall invest the money in
31 the trust fund pursuant to s. 17.61 ~~ss. 215.44-215.52~~, and

1 retain all interest earnings in the trust fund. The department
2 shall separately account for receipts credited to the trust
3 fund. When all general revenue appropriations for the child
4 support enforcement program have been shifted to the trust
5 fund, then annually thereafter, on June 30, if revenues
6 deposited into the trust fund, including federal child support
7 incentive earnings, have exceeded state expenditures for the
8 child support enforcement program administered by the
9 department for the prior 12-month period, the revenues in
10 excess of cash flow needs are transferred to the General
11 Revenue Fund.

12 Section 5. Subsection (2) of section 222.21, Florida
13 Statutes, is amended to read:

14 222.21 Exemption of pension money and retirement or
15 profit-sharing benefits from legal processes.--

16 (2)(a) Except as provided in paragraph (b), any money
17 or other assets payable to a participant or beneficiary from,
18 or any interest of any participant or beneficiary in, a
19 retirement or profit-sharing plan that is qualified under s.
20 401(a), s. 403(a), s. 403(b), s. 408, s. 408A, or s. 409 of
21 the Internal Revenue Code of 1986, as amended, is exempt from
22 all claims of creditors of the beneficiary or participant.

23 (b) Any plan or arrangement described in paragraph (a)
24 is not exempt from the claims of an alternate payee under a
25 qualified domestic relations order. However, the interest of
26 any alternate payee under a qualified domestic relations order
27 is exempt from all claims of any creditor, other than the
28 Department of Revenue ~~Children and Family Services~~, of the
29 alternate payee. As used in this paragraph, the terms
30 "alternate payee" and "qualified domestic relations order"
31

1 have the meanings ascribed to them in s. 414(p) of the
2 Internal Revenue Code of 1986.

3 (c) The provisions of paragraphs (a) and (b) apply to
4 any proceeding that is filed on or after October 1, 1987.

5 Section 6. Effective July 1, 2005, paragraph (b) of
6 subsection (1) of section 382.016, Florida Statutes, is
7 amended to read:

8 382.016 Amendment of records.--The department, upon
9 receipt of the fee prescribed in s. 382.0255; documentary
10 evidence, as specified by rule, of any misstatement, error, or
11 omission occurring in any birth, death, or fetal death record;
12 and an affidavit setting forth the changes to be made, shall
13 amend or replace the original certificate as necessary.

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

15 (b) Upon written request and receipt of an affidavit,
16 a notarized voluntary acknowledgment of paternity signed by
17 the mother and father acknowledging the paternity of a
18 registrant born out of wedlock, or a voluntary acknowledgment
19 of paternity that is witnessed by two individuals and signed
20 under penalty of perjury as specified by s. 92.525(2),
21 together with sufficient information to identify the original
22 certificate of live birth, the department shall prepare a new
23 birth certificate, which shall bear the same file number as
24 the original birth certificate. The names and identifying
25 information of the parents shall be entered as of the date of
26 the registrant's birth. The surname of the registrant may be
27 changed from that shown on the original birth certificate at
28 the request of the mother and father of the registrant, or the
29 registrant if of legal age. If the mother and father marry
30 each other at any time after the registrant's birth, the
31 department shall, upon the request of the mother and father or

1 | registrant if of legal age and proof of the marriage, amend
2 | the certificate with regard to the parents' marital status as
3 | though the parents were married at the time of birth. The
4 | department shall substitute the new certificate of birth for
5 | the original certificate on file. All copies of the original
6 | certificate of live birth in the custody of a local registrar
7 | or other state custodian of vital records shall be forwarded
8 | to the State Registrar. Thereafter, when a certified copy of
9 | the certificate of birth or portion thereof is issued, it
10 | shall be a copy of the new certificate of birth or portion
11 | thereof, except when a court order requires issuance of a
12 | certified copy of the original certificate of birth. Except
13 | for a birth certificate on which a father is listed pursuant
14 | to an affidavit, a notarized voluntary acknowledgment of
15 | paternity signed by the mother and father acknowledging the
16 | paternity of a registrant born out of wedlock, or a voluntary
17 | acknowledgment of paternity that is witnessed by two
18 | individuals and signed under penalty of perjury as specified
19 | by s. 92.525(2), the department shall place the original
20 | certificate of birth and all papers pertaining thereto under
21 | seal, not to be broken except by order of a court of competent
22 | jurisdiction or as otherwise provided by law.

23 | Section 7. Effective October 1, 2005, paragraph (d) is
24 | added to subsection (1) of section 382.016, Florida Statutes,
25 | to read:

26 | 382.016 Amendment of records.--The department, upon
27 | receipt of the fee prescribed in s. 382.0255; documentary
28 | evidence, as specified by rule, of any misstatement, error, or
29 | omission occurring in any birth, death, or fetal death record;
30 | and an affidavit setting forth the changes to be made, shall
31 | amend or replace the original certificate as necessary.

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

2 (d) For a child born in this state whose paternity is
3 established in another state, the department shall amend the
4 child's birth certificate to include the name of the father
5 upon receipt of:

6 1. A certified copy of an acknowledgment of paternity,
7 final judgment, or judicial or administrative order from
8 another state which determines the child's paternity; or

9 2. A noncertified copy of an acknowledgment of
10 paternity, final judgment, or judicial or administrative order
11 from another state which determines the child's paternity when
12 provided with an affidavit or written declaration from the
13 Department of Revenue which states that the document was
14 provided by or obtained from another state's Title IV-D
15 program.

16
17 The department may not amend a child's birth certificate to
18 include the name of the child's father if paternity was
19 established by adoption and the father is not eligible to
20 adopt under state law.

21 Section 8. Effective October 1, 2005, present
22 subsection (7) of section 409.2558, Florida Statutes, is
23 redesignated as subsection (8), and a new subsection (7) is
24 added to that section, to read:

25 409.2558 Support distribution and disbursement.--

26 (7) ORDER REDIRECTING PAYMENTS TO THE PERSON WITH WHOM
27 THE CHILD RESIDES.--If the department determines in a Title
28 IV-D case that a child for whom a support order has been
29 entered by a tribunal resides with a person other than the
30 obligee or obligor, the department may not disburse current
31 support payments for the child to the obligee without a

1 further order from the tribunal that entered the support
2 order. As used in this subsection, the term "tribunal" means a
3 circuit court or the department.

4 (a) A determination by the department must be based on
5 one or more of the following factors:

6 1. Public-assistance records that show a person other
7 than the obligee or obligor is receiving public assistance for
8 the child;

9 2. A statement by the obligee that the child resides
10 with a person other than the obligee or obligor;

11 3. A sworn statement or written declaration signed
12 under penalty of perjury by a person who has personal
13 knowledge that the child resides with a person other than the
14 obligee or obligor;

15 4. Government records that show the obligee is
16 incarcerated;

17 5. Evidence that the obligee has left the community
18 where the child resides; or

19 6. Other credible information that indicates that the
20 child resides with a person other than the obligee or obligor.

21 (b) The department, when it determines that a child
22 resides with a person other than the obligee or obligor, shall
23 notify the obligee, the obligor, and if known, the person with
24 whom the child resides by regular mail. The notice must state:

25 1. The facts upon which the determination is based;

26 2. The name and address of the person with whom the
27 child resides, if known, unless disclosure is prohibited under
28 s. 409.2579(3) or (4) or the child is in foster care;

29 3. That the department will not disburse current
30 support payments for the child without a further order from
31 the tribunal that entered the support order;

- 1 4. If the support order was entered by a circuit
2 court:
- 3 a. That the department will file a motion and proposed
4 order with the court requesting the court to order that the
5 obligor's current support payments be disbursed to the person
6 with whom the child resides, to determine arrearages, and to
7 order repayment of any arrearages;
- 8 b. That the obligee, the obligor, and the person with
9 whom the child resides may file an objection to the proposed
10 order or a motion to compel disbursement; and
- 11 c. That the obligee, the obligor, and the person with
12 whom the child resides will be mailed a copy of the
13 department's motion and notice of any hearing.
- 14 5. If the support order was entered by the department:
- 15 a. That the department will disburse the current
16 support payments to the person with whom the child resides, if
17 known, determine arrearages, and order repayment of
18 arrearages;
- 19 b. The effective date of the intended action, the
20 amount of arrearages, and the amount ordered for periodic
21 repayment of arrearages;
- 22 c. That the obligee, the obligor, and the person with
23 whom the child resides may contest the intended action by
24 filing with the department a petition for an administrative
25 hearing within 30 days after the date the notice was mailed.
- 26 d. That if a timely petition for an administrative
27 hearing is filed, the parties will be given advance notice of
28 the date, time, and place of the hearing; and
- 29 e. That if the notice of intended action is not timely
30 contested, the department will enter a final order based on
31 information in the notice.

1 (c) The tribunal that entered the support order shall
2 determine whether support payments not disbursed by the
3 department and current support must be paid to the obligee,
4 paid to the person with whom the child resides, or refunded to
5 the obligor. The person with whom the child resides is deemed
6 a party to the proceedings. The tribunal is not required to
7 hold a hearing unless a party files a timely objection to the
8 proposed order or a timely petition for an administrative
9 hearing. Any hearing held by the department shall be conducted
10 by the Division of Administrative Hearings and the
11 administrative law judge shall enter a final order. If a
12 hearing is not required, the tribunal shall enter an order
13 within 30 days after the department's motion is filed or
14 notice of intended action is mailed. If a timely objection or
15 petition for administrative hearing is filed, a hearing shall
16 be conducted and an order entered within 30 days after the
17 objection or petition is filed.

18 (d) If the tribunal finds by a preponderance of the
19 evidence that the child does not reside with the obligee, the
20 tribunal shall enter an order that redirects the obligor's
21 current support payments to the person with whom the child
22 resides, determine arrearages owed to the obligee and the
23 person with whom the child resides, and order repayment of
24 arrearsages. The tribunal need not recompute the obligor's
25 support obligation under the child-support guidelines. If the
26 person with whom the child resides is unknown and the obligor
27 owes no arrearages or costs, the tribunal shall enter an order
28 refunding the payments not disbursed by the department to the
29 obligor. If the child resides with the obligor, the person
30 with whom the child resides is unknown, or the child's place
31

1 of residence is unknown, the tribunal shall consider whether
2 to abate, terminate, or modify the support order.

3 (e) A tribunal that enters an order redirecting or
4 refunding support payments shall file a copy of the order with
5 the depository that serves as official recordkeeper for
6 payments due under the support order. The depository shall
7 maintain separate accounts and separate account numbers for
8 individual payees.

9 Section 9. Effective July 1, 2005, subsection (4) of
10 section 409.2561, Florida Statutes, is amended to read:

11 409.2561 Support obligations when public assistance is
12 paid; assignment of rights; subrogation; medical and health
13 insurance information.--

14 (4) No obligation of support under this section shall
15 be incurred by any person who is the recipient of supplemental
16 security income or temporary cash assistance ~~public assistance~~
17 ~~moneys~~ for the benefit of a dependent child or who is
18 incapacitated and financially unable to pay as determined by
19 the department.

20 Section 10. Section 409.2567, Florida Statutes, is
21 amended to read:

22 409.2567 Services to individuals not otherwise
23 eligible.--All support services provided by the department
24 shall be made available on behalf of all dependent children.
25 Services shall be provided upon acceptance of public
26 assistance or upon proper application filed with the
27 department. The department shall adopt rules to provide for
28 the payment of a \$25 application fee from each applicant who
29 is not a public assistance recipient. The application fee
30 shall be deposited in the Child Support Enforcement
31 Application and Program Revenue Trust Fund within the

1 Department of Revenue to be used for the Child Support
2 Enforcement Program. The obligor is responsible for all
3 administrative costs, as defined in s. 409.2554. The court
4 shall order payment of administrative costs without requiring
5 the department to have a member of the bar testify or submit
6 an affidavit as to the reasonableness of the costs. An
7 attorney-client relationship exists only between the
8 department and the legal services providers in Title IV-D
9 cases. The attorney shall advise the obligee in Title IV-D
10 cases that the attorney represents the agency and not the
11 obligee. In Title IV-D cases, any costs, including filing
12 fees, recording fees, mediation costs, service of process
13 fees, and other expenses incurred by the clerk of the circuit
14 court, shall be assessed only against the nonprevailing
15 obligor after the court makes a determination of the
16 nonprevailing obligor's ability to pay such costs and fees. In
17 any case where the court does not award all costs, the court
18 shall state in the record its reasons for not awarding the
19 costs. The Department of Revenue shall not be considered a
20 party for purposes of this section; however, fees may be
21 assessed against the department pursuant to s. 57.105(1). ~~The~~
22 ~~department shall submit a monthly report to the Governor and~~
23 ~~the chairs of the Health and Human Services Fiscal Committee~~
24 ~~of the House of Representatives and the Ways and Means~~
25 ~~Committee of the Senate specifying the funds identified for~~
26 ~~collection from the noncustodial parents of children receiving~~
27 ~~temporary assistance and the amounts actually collected.~~

28 Section 11. Effective October 1, 2005, section
29 409.821, Florida Statutes, is amended to read:
30 409.821 Florida Kidcare program public records
31 exemption.--Notwithstanding any other law to the contrary, any

1 information identifying a Florida Kidcare program applicant or
2 enrollee, as defined in s. 409.811, held by the Agency for
3 Health Care Administration, the Department of Children and
4 Family Services, the Department of Health, or the Florida
5 Healthy Kids Corporation is confidential and exempt from s.
6 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
7 information may be disclosed to another governmental entity
8 only if disclosure is necessary for the entity to perform its
9 duties and responsibilities under the Florida Kidcare program
10 and shall be disclosed to the Department of Revenue for
11 purposes of administering the state's Title IV-D program. The
12 receiving governmental entity must maintain the confidential
13 and exempt status of such information. Furthermore, such
14 information may not be released to any person without the
15 written consent of the program applicant. This exemption
16 applies to any information identifying a Florida Kidcare
17 program applicant or enrollee held by the Agency for Health
18 Care Administration, the Department of Children and Family
19 Services, the Department of Health, or the Florida Healthy
20 Kids Corporation before, on, or after the effective date of
21 this exemption. A violation of this section is a misdemeanor
22 of the second degree, punishable as provided in s. 775.082 or
23 s. 775.083.

24 Section 12. Except as otherwise expressly provided in
25 this act, this act shall take effect upon becoming a law.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1262

The committee substitute makes the following changes to the underlying committee substitute:

- Requires Department of Revenue (DOR) to withhold child support disbursements while a support order is modified to redirect child support payments to the person with whom the child resides when the child is no longer living with the party named in the original support order;
- Includes provisions for determining a child no longer lives with the named party in a support order, for providing notice, and for requesting a hearing; and
- Clarifies that the allocation of support recovery within a workers' compensation settlement may be amended by the parties upon review but that reallocation does not affect the amount of the overall settlement.