

CHAMBER ACTION

1 The Justice Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to child support enforcement; amending s.
7 61.13, F.S.; providing civil penalties for employers,
8 unions, and plan administrators not in compliance with
9 requirements of the national medical support notice;
10 amending s. 61.1354, F.S.; providing for sharing of
11 information between consumer reporting agencies and the
12 Department of Revenue relating to amount of current
13 support owed; requiring the department to continue
14 reporting to consumer reporting agencies once overdue
15 amount is paid if current support is still owed; amending
16 s. 61.14, F.S.; providing conditions for collection of
17 support from workers' compensation settlements; providing
18 for amendment of the allocation of support recovery within
19 the settlement agreement; providing for rulemaking by the
20 Office of the Judges of Compensation Claims; amending s.
21 61.1812, F.S.; correcting a reference; amending s. 222.21,
22 F.S.; correcting a reference; amending s. 382.016, F.S.;
23 providing exceptions to the requirement that the

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24 department limit access to an acknowledgment of paternity
 25 that amends an original birth certificate; providing
 26 conditions under which an original birth certificate for a
 27 child born in this state whose paternity is established in
 28 another state may be amended; amending s. 409.2558, F.S.;
 29 providing a procedure for redirecting payments to the
 30 person with whom a child resides under certain
 31 circumstances; providing for notice and hearing; amending
 32 s. 409.2561, F.S.; providing limitation to exemption for
 33 support order establishment to recipients of supplemental
 34 security income and temporary cash assistance; amending s.
 35 409.2567, F.S.; eliminating requirement for a monthly
 36 report by the department on funds identified for
 37 collection from noncustodial parents of children receiving
 38 temporary assistance; amending s. 409.821, F.S.; requiring
 39 the provision of information identifying KidCare program
 40 applicants to the department for Title IV-D purposes;
 41 providing effective dates.

42
 43 Be It Enacted by the Legislature of the State of Florida:

44
 45 Section 1. Effective October 1, 2005, paragraph (b) of
 46 subsection (1) of section 61.13, Florida Statutes, is amended to
 47 read:

48 61.13 Custody and support of children; visitation rights;
 49 power of court in making orders.--

50 (1)

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51 (b) Each order for support shall contain a provision for
52 health care coverage for the minor child when the coverage is
53 reasonably available. Coverage is reasonably available if either
54 the obligor or obligee has access at a reasonable rate to a
55 group health plan. The court may require the obligor either to
56 provide health care coverage or to reimburse the obligee for the
57 cost of health care coverage for the minor child when coverage
58 is provided by the obligee. In either event, the court shall
59 apportion the cost of coverage, and any noncovered medical,
60 dental, and prescription medication expenses of the child, to
61 both parties by adding the cost to the basic obligation
62 determined pursuant to s. 61.30(6). The court may order that
63 payment of uncovered medical, dental, and prescription
64 medication expenses of the minor child be made directly to the
65 obligee on a percentage basis.

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

69 a. The obligor fails to provide written proof to the
70 obligee within 30 days after receiving effective notice of the
71 court order, that the health care coverage has been obtained or
72 that application for coverage has been made;

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

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

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79 | 2.a. A support order enforced under Title IV-D of the
80 | Social Security Act which requires that the obligor provide
81 | health care coverage is enforceable by the department through
82 | the use of the national medical support notice, and an amendment
83 | to the support order is not required. The department shall
84 | transfer the national medical support notice to the obligor's
85 | union or employer. The department shall notify the obligor in
86 | writing that the notice has been sent to the obligor's union or
87 | employer, and the written notification must include the
88 | obligor's rights and duties under the national medical support
89 | notice. The obligor may contest the withholding required by the
90 | national medical support notice based on a mistake of fact. To
91 | contest the withholding, the obligor must file a written notice
92 | of contest with the department within 15 business days after the
93 | date the obligor receives written notification of the national
94 | medical support notice from the department. Filing with the
95 | department is complete when the notice is received by the person
96 | designated by the department in the written notification. The
97 | notice of contest must be in the form prescribed by the
98 | department. Upon the timely filing of a notice of contest, the
99 | department shall, within 5 business days, schedule an informal
100 | conference with the obligor to discuss the obligor's factual
101 | dispute. If the informal conference resolves the dispute to the
102 | obligor's satisfaction or if the obligor fails to attend the
103 | informal conference, the notice of contest is deemed withdrawn.
104 | If the informal conference does not resolve the dispute, the
105 | obligor may request an administrative hearing under chapter 120
106 | within 5 business days after the termination of the informal

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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107 conference, in a form and manner prescribed by the department.
 108 However, the filing of a notice of contest by the obligor does
 109 not delay the withholding of premium payments by the union,
 110 employer, or health plan administrator. The union, employer, or
 111 health plan administrator must implement the withholding as
 112 directed by the national medical support notice unless notified
 113 by the department that the national medical support notice is
 114 terminated.

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

118 3. In a non-Title IV-D case, upon receipt of the order
 119 pursuant to subparagraph 1., or upon application of the obligor
 120 pursuant to the order, the union or employer shall enroll the
 121 minor child as a beneficiary in the group health plan regardless
 122 of any restrictions on the enrollment period and withhold any
 123 required premium from the obligor's income. If more than one
 124 plan is offered by the union or employer, the child shall be
 125 enrolled in the group health plan in which the obligor is
 126 enrolled.

127 4.a. Upon receipt of the national medical support notice
 128 under subparagraph 2. in a Title IV-D case, the union or
 129 employer shall transfer the notice to the appropriate group
 130 health plan administrator within 20 business days after the date
 131 on the notice. The plan administrator must enroll the child as a
 132 beneficiary in the group health plan regardless of any
 133 restrictions on the enrollment period, and the union or employer
 134 must withhold any required premium from the obligor's income

135 upon notification by the plan administrator that the child is
 136 enrolled. The child shall be enrolled in the group health plan
 137 in which the obligor is enrolled. If the group health plan in
 138 which the obligor is enrolled is not available where the child
 139 resides or if the obligor is not enrolled in group coverage, the
 140 child shall be enrolled in the lowest cost group health plan
 141 that is available where the child resides.

142 b. If health care coverage or the obligor's employment is
 143 terminated in a Title IV-D case, the union or employer that is
 144 withholding premiums for health care coverage under a national
 145 medical support notice must notify the department within 20 days
 146 after the termination and provide the obligor's last known
 147 address and the name and address of the obligor's new employer,
 148 if known.

149 5.a. The amount withheld by a union or employer in
 150 compliance with a support order may not exceed the amount
 151 allowed under s. 303(b) of the Consumer Credit Protection Act,
 152 15 U.S.C. s. 1673(b), as amended. The union or employer shall
 153 withhold the maximum allowed by the Consumer Credit Protection
 154 Act in the following order:

- 155 (I) Current support, as ordered.
- 156 (II) Premium payments for health care coverage, as
 157 ordered.
- 158 (III) Past due support, as ordered.
- 159 (IV) Other medical support or coverage, as ordered.

160 b. If the combined amount to be withheld for current
 161 support plus the premium payment for health care coverage exceed
 162 the amount allowed under the Consumer Credit Protection Act, and

163 the health care coverage cannot be obtained unless the full
 164 amount of the premium is paid, the union or employer may not
 165 withhold the premium payment. However, the union or employer
 166 shall withhold the maximum allowed in the following order:

167 (I) Current support, as ordered.

168 (II) Past due support, as ordered.

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

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

176 ~~7.6.~~ The Department of Revenue may adopt rules to
 177 administer the child support enforcement provisions of this
 178 section which affect Title IV-D cases.

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

181 61.1354 Sharing of information between consumer reporting
 182 agencies and the IV-D agency.--

183 (1) Upon receipt of a request from a consumer reporting
 184 agency as defined in s. 603(f) of the Fair Credit Reporting Act,
 185 the IV-D agency or the depository in non-Title-IV-D cases shall
 186 make available information relating to the amount of current and
 187 overdue support owed by an obligor. The IV-D agency or the
 188 depository in non-Title-IV-D cases shall give the obligor
 189 written notice, at least 15 days prior to the release of
 190 information, of the IV-D agency's or depository's authority to

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191 release information to consumer reporting agencies relating to
 192 the amount of current and overdue support owed by the obligor.
 193 The obligor shall be informed of his or her right to request a
 194 hearing with the IV-D agency or the court in non-Title-IV-D
 195 cases to contest the accuracy of the information.

196 (2) The IV-D agency shall report periodically to
 197 appropriate consumer reporting agencies, as identified by the
 198 IV-D agency, the name and social security number of any
 199 delinquent obligor, ~~and~~ the amount of overdue support owed by
 200 the obligor, and the amount of current support owed by the
 201 obligor when the overdue support is paid. The IV-D agency, or
 202 its designee, shall provide the obligor with written notice, at
 203 least 15 days prior to the initial release of information, of
 204 the IV-D agency's authority to release the information
 205 periodically to the consumer reporting agencies. The notice
 206 shall state the amount of overdue support owed and the amount of
 207 current support owed when the overdue support is paid and shall
 208 inform the obligor of the right to request a hearing with the
 209 IV-D agency within 15 days after receipt of the notice to
 210 contest the accuracy of the information. After the initial
 211 notice is given, no further notice or opportunity for a hearing
 212 need be given when updated information concerning the same
 213 obligor is periodically released to the consumer reporting
 214 agencies.

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

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218 61.14 Enforcement and modification of support,
 219 maintenance, or alimony agreements or orders.--
 220 (8)(a) When an employee and employer reach an agreement
 221 for a lump-sum settlement under s. 440.20(11), no proceeds of
 222 the settlement shall be disbursed to the employee, nor shall any
 223 attorney's fees be disbursed, until after a judge of
 224 compensation claims reviews the proposed disbursement and enters
 225 an order finding the settlement provides for appropriate
 226 recovery of any support arrearage. The employee, or the
 227 employee's attorney if the employee is represented, shall submit
 228 a written statement from the department as to whether the
 229 employee owes unpaid support and, if so, the amount owed. In
 230 addition, the judge of compensation claims may require the
 231 employee to submit a similar statement from a local depository
 232 established under s. 61.181. The sworn statement of the employee
 233 that all existing support obligations have been disclosed is
 234 also required. If the judge finds the proposed allocation of
 235 support recovery insufficient, the parties may amend the
 236 allocation of support recovery within the settlement agreement
 237 to make the allocation of proceeds sufficient. The Office of the
 238 Judges of Compensation Claims shall adopt procedural rules to
 239 implement this paragraph. ~~When reviewing and approving any lump-~~
 240 ~~sum settlement under s. 440.20(11)(a) and (b), a judge of~~
 241 ~~compensation claims must consider whether the settlement serves~~
 242 ~~the interests of the worker and the worker's family, including,~~
 243 ~~but not limited to, whether the settlement provides for~~
 244 ~~appropriate recovery of any child support arrearage.~~

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245 Section 4. Subsection (1) of section 61.1812, Florida
 246 Statutes, is amended to read:
 247 61.1812 Child Support Incentive Trust Fund.--
 248 (1) The Child Support Incentive Trust Fund is hereby
 249 created, to be administered by the Department of Revenue. All
 250 child support enforcement incentive earnings and that portion of
 251 the state share of Title IV-A public assistance collections
 252 recovered in fiscal year 1996-1997 by the Title IV-D program of
 253 the department which is in excess of the amount estimated by the
 254 February 1997 Social Services Estimating Conference to be
 255 recovered in fiscal year 1996-1997 shall be credited to the
 256 trust fund, and no other receipts, except interest earnings,
 257 shall be credited thereto. For fiscal years beginning with 1997-
 258 1998, in addition to incentive earnings and interest earnings,
 259 that portion of the state share of Title IV-A public assistance
 260 collections recovered in each fiscal year by the Title IV-D
 261 program of the department which is in excess of the amount
 262 estimated by the February 1997 Social Services Estimating
 263 Conference to be recovered in fiscal year 1997-1998 shall be
 264 credited to the trust fund. The purpose of the trust fund is to
 265 account for federal incentive payments to the state for child
 266 support enforcement and to support the activities of the child
 267 support enforcement program under Title IV-D of the Social
 268 Security Act. The department shall invest the money in the trust
 269 fund pursuant to s. 17.61 ~~ss. 215.44-215.52~~, and retain all
 270 interest earnings in the trust fund. The department shall
 271 separately account for receipts credited to the trust fund. When
 272 all general revenue appropriations for the child support

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273 enforcement program have been shifted to the trust fund, then
274 annually thereafter, on June 30, if revenues deposited into the
275 trust fund, including federal child support incentive earnings,
276 have exceeded state expenditures for the child support
277 enforcement program administered by the department for the prior
278 12-month period, the revenues in excess of cash flow needs are
279 transferred to the General Revenue Fund.

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

282 222.21 Exemption of pension money and retirement or
283 profit-sharing benefits from legal processes.--

284 (2)(a) Except as provided in paragraph (b), any money or
285 other assets payable to a participant or beneficiary from, or
286 any interest of any participant or beneficiary in, a retirement
287 or profit-sharing plan that is qualified under s. 401(a), s.
288 403(a), s. 403(b), s. 408, s. 408A, or s. 409 of the Internal
289 Revenue Code of 1986, as amended, is exempt from all claims of
290 creditors of the beneficiary or participant.

291 (b) Any plan or arrangement described in paragraph (a) is
292 not exempt from the claims of an alternate payee under a
293 qualified domestic relations order. However, the interest of any
294 alternate payee under a qualified domestic relations order is
295 exempt from all claims of any creditor, other than the
296 Department of Revenue ~~Children and Family Services~~, of the
297 alternate payee. As used in this paragraph, the terms "alternate
298 payee" and "qualified domestic relations order" have the
299 meanings ascribed to them in s. 414(p) of the Internal Revenue
300 Code of 1986.

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

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

306 382.016 Amendment of records.--The department, upon
307 receipt of the fee prescribed in s. 382.0255; documentary
308 evidence, as specified by rule, of any misstatement, error, or
309 omission occurring in any birth, death, or fetal death record;
310 and an affidavit setting forth the changes to be made, shall
311 amend or replace the original certificate as necessary.

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

313 (b) Upon written request and receipt of an affidavit, a
314 notarized voluntary acknowledgment of paternity signed by the
315 mother and father acknowledging the paternity of a registrant
316 born out of wedlock, or a voluntary acknowledgment of paternity
317 that is witnessed by two individuals and signed under penalty of
318 perjury as specified by s. 92.525(2), together with sufficient
319 information to identify the original certificate of live birth,
320 the department shall prepare a new birth certificate, which
321 shall bear the same file number as the original birth
322 certificate. The names and identifying information of the
323 parents shall be entered as of the date of the registrant's
324 birth. The surname of the registrant may be changed from that
325 shown on the original birth certificate at the request of the
326 mother and father of the registrant, or the registrant if of
327 legal age. If the mother and father marry each other at any time
328 after the registrant's birth, the department shall, upon the

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329 request of the mother and father or registrant if of legal age
 330 and proof of the marriage, amend the certificate with regard to
 331 the parents' marital status as though the parents were married
 332 at the time of birth. The department shall substitute the new
 333 certificate of birth for the original certificate on file. All
 334 copies of the original certificate of live birth in the custody
 335 of a local registrar or other state custodian of vital records
 336 shall be forwarded to the State Registrar. Thereafter, when a
 337 certified copy of the certificate of birth or portion thereof is
 338 issued, it shall be a copy of the new certificate of birth or
 339 portion thereof, except when a court order requires issuance of
 340 a certified copy of the original certificate of birth. Except
 341 for a birth certificate on which a father is listed pursuant to
 342 an affidavit, a notarized voluntary acknowledgment of paternity
 343 signed by the mother and father acknowledging the paternity of a
 344 registrant born out of wedlock, or a voluntary acknowledgment of
 345 paternity that is witnessed by two individuals and signed under
 346 penalty of perjury as specified by s. 92.525(2), the department
 347 shall place the original certificate of birth and all papers
 348 pertaining thereto under seal, not to be broken except by order
 349 of a court of competent jurisdiction or as otherwise provided by
 350 law.

351 Section 7. Effective October 1, 2005, paragraph (d) is
 352 added to subsection (1) of section 382.016, Florida Statutes, to
 353 read:

354 382.016 Amendment of records.--The department, upon
 355 receipt of the fee prescribed in s. 382.0255; documentary
 356 evidence, as specified by rule, of any misstatement, error, or

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357 omission occurring in any birth, death, or fetal death record;
358 and an affidavit setting forth the changes to be made, shall
359 amend or replace the original certificate as necessary.

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

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

365 1. A certified copy of an acknowledgment of paternity,
366 final judgment, or judicial or administrative order from another
367 state that determines the child's paternity; or

368 2. A noncertified copy of an acknowledgment of paternity,
369 final judgment, or judicial or administrative order from another
370 state that determines the child's paternity when provided with
371 an affidavit or written declaration from the Department of
372 Revenue that states the document was provided by or obtained
373 from another state's Title IV-D program.

374
375 The department may not amend a child's birth certificate to
376 include the name of the child's father if paternity was
377 established by adoption and the father is not eligible to adopt
378 under state law.

379 Section 8. Effective October 1, 2005, subsection (7) of
380 section 409.2558, Florida Statutes, is renumbered as subsection
381 (8), and a new subsection (7) is added to said section to read:

382 409.2558 Support distribution and disbursement.--

383 (7) ORDER REDIRECTING PAYMENTS TO THE PERSON WITH WHOM THE
384 CHILD RESIDES.--

385 (a) If the department determines in a Title IV-D case that
 386 a child for whom a support order has been entered by a tribunal
 387 of this state resides with a person other than the obligee or
 388 obligor, the department may not disburse current support
 389 payments for the child to the obligee without a further order
 390 from the tribunal that entered the support order. For purposes
 391 of this section, "tribunal" means either the circuit court or
 392 the department.

393 (b) A determination by the department under paragraph (a)
 394 must be based on one or more of the following factors:

395 1. Public assistance records that show a person other than
 396 the obligee or obligor is receiving public assistance for the
 397 child.

398 2. A statement by the obligee that the child resides with
 399 a person other than the obligee or obligor is submitted to the
 400 department.

401 3. A sworn statement or written declaration signed under
 402 penalty of perjury by a person who has personal knowledge that
 403 the child resides with a person other than the obligee or
 404 obligor is submitted to the department.

405 4. Government records that show the obligee is
 406 incarcerated.

407 5. Evidence that the obligee has left the community where
 408 the child resides is submitted to the department.

409 6. Other credible information that indicates the child
 410 resides with a person other than the obligee or obligor is
 411 submitted to the department.

412 (c) When the department determines that a child as
 413 specified in paragraph (a) resides with a person other than the
 414 obligee or obligor, the department shall submit by regular mail
 415 to the obligee, the obligor, and, if known, the person with whom
 416 the child resides a notice that states:

417 1. The facts on which the determination is based.

418 2. The name and address of the person with whom the child
 419 resides, if known, unless disclosure is prohibited under s.
 420 409.2579(3) or (4) or the child is in foster care.

421 3. That the department will not disburse current support
 422 payments for the child without a further order from the tribunal
 423 that entered the support order.

424 4. If the support order was entered by the circuit court:

425 a. That the department will file a motion and proposed
 426 order with the court that asks the court to order that the
 427 obligor's current support payments be disbursed to the person
 428 with whom the child resides, determine arrearages, and order
 429 repayment of arrearages;

430 b. That the obligee, the obligor, and the person with whom
 431 the child resides may file an objection in court to the proposed
 432 order or a motion to compel disbursement; and

433 c. That the obligee, the obligor, and the person with whom
 434 the child resides will be mailed a copy of the department's
 435 motion and notified of any court hearing.

436 5. If the support order was entered by the department:

437 a. That the department intends to disburse the current
 438 support payments to the person with whom the child resides, if
 439 known, determine arrearages, and order repayment of arrearages;

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440 b. The effective date of the intended action to disburse
441 current support payments to the person with whom the child
442 resides, the amount of arrearages owed to the obligee and the
443 person with whom the child resides, and the amount of the order
444 for periodic repayment of arrearages;

445 c. That the obligee, the obligor, and the person with whom
446 the child resides may contest the intended action by filing with
447 the department a petition for an administrative hearing within
448 30 days after the date of mailing of the notice;

449 d. That if a timely petition for an administrative hearing
450 is filed, the parties will be given advance notice of the date,
451 time, and place of the hearing; and

452 e. That if the notice of intended action is not timely
453 contested, the department will enter a final order based on what
454 is stated in the notice.

455 (d) The tribunal that entered the support order shall
456 determine whether support payments not disbursed by the
457 department and current support must be paid to the obligee, paid
458 to the person with whom the child resides, or refunded to the
459 obligor. The person with whom the child resides is deemed a
460 party to the proceedings. The tribunal is not required to hold a
461 hearing unless a party has filed a timely objection to the
462 proposed order or a timely petition for an administrative
463 hearing. If the department is the tribunal and a timely petition
464 for an administrative hearing is filed, the hearing shall be
465 conducted by the Division of Administrative Hearings and the
466 administrative law judge shall enter a final order. If a hearing
467 is not required, the tribunal shall enter an order within 30

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468 days after the department's motion is filed or the notice of
469 intended action is mailed. If a timely objection or petition for
470 an administrative hearing is filed, a hearing shall be conducted
471 and an order entered within 30 days after the objection or
472 petition is filed.

473 (e) If the tribunal finds by a preponderance of the
474 evidence that the child does not reside with the obligee, the
475 tribunal shall enter an order that redirects the obligor's
476 current support payments due under the support order to the
477 person with whom the child resides, determine arrearages owed to
478 the obligee and the person with whom the child resides, and
479 order repayment of arrearages. The tribunal need not recompute
480 the obligor's support obligation under the child support
481 guidelines. If the person with whom the child resides is unknown
482 and the obligor owes no arrearages or costs, the tribunal shall
483 enter an order that refunds the payments not disbursed by the
484 department to the obligor. If the child resides with the
485 obligor, the person with whom the child resides is unknown, or
486 the child's place of residence is unknown, the tribunal shall
487 consider whether to abate, terminate, or modify the support
488 order.

489 (f) A tribunal that enters an order that redirects or
490 refunds support payments shall file a copy of the order with the
491 depository that serves as official recordkeeper for payments due
492 under the support order. The depository shall maintain separate
493 accounts and separate account numbers for individual payees.

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

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496 | 409.2561 Support obligations when public assistance is
497 | paid; assignment of rights; subrogation; medical and health
498 | insurance information.--

499 | (4) No obligation of support under this section shall be
500 | incurred by any person who is the recipient of supplemental
501 | security income or temporary cash assistance ~~public assistance~~
502 | ~~moneys~~ for the benefit of a dependent child or who is
503 | incapacitated and financially unable to pay as determined by the
504 | department.

505 | Section 10. Section 409.2567, Florida Statutes, is amended
506 | to read:

507 | 409.2567 Services to individuals not otherwise
508 | eligible.--All support services provided by the department shall
509 | be made available on behalf of all dependent children. Services
510 | shall be provided upon acceptance of public assistance or upon
511 | proper application filed with the department. The department
512 | shall adopt rules to provide for the payment of a \$25
513 | application fee from each applicant who is not a public
514 | assistance recipient. The application fee shall be deposited in
515 | the Child Support Enforcement Application and Program Revenue
516 | Trust Fund within the Department of Revenue to be used for the
517 | Child Support Enforcement Program. The obligor is responsible
518 | for all administrative costs, as defined in s. 409.2554. The
519 | court shall order payment of administrative costs without
520 | requiring the department to have a member of the bar testify or
521 | submit an affidavit as to the reasonableness of the costs. An
522 | attorney-client relationship exists only between the department
523 | and the legal services providers in Title IV-D cases. The

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524 attorney shall advise the obligee in Title IV-D cases that the
 525 attorney represents the agency and not the obligee. In Title IV-
 526 D cases, any costs, including filing fees, recording fees,
 527 mediation costs, service of process fees, and other expenses
 528 incurred by the clerk of the circuit court, shall be assessed
 529 only against the nonprevailing obligor after the court makes a
 530 determination of the nonprevailing obligor's ability to pay such
 531 costs and fees. In any case where the court does not award all
 532 costs, the court shall state in the record its reasons for not
 533 awarding the costs. The Department of Revenue shall not be
 534 considered a party for purposes of this section; however, fees
 535 may be assessed against the department pursuant to s. 57.105(1).
 536 ~~The department shall submit a monthly report to the Governor and~~
 537 ~~the chairs of the Health and Human Services Fiscal Committee of~~
 538 ~~the House of Representatives and the Ways and Means Committee of~~
 539 ~~the Senate specifying the funds identified for collection from~~
 540 ~~the noncustodial parents of children receiving temporary~~
 541 ~~assistance and the amounts actually collected.~~

542 Section 11. Effective October 1, 2005, section 409.821,
 543 Florida Statutes, is amended to read:

544 409.821 Florida Kidcare program public records
 545 exemption.--Notwithstanding any other law to the contrary, any
 546 information identifying a Florida Kidcare program applicant or
 547 enrollee, as defined in s. 409.811, held by the Agency for
 548 Health Care Administration, the Department of Children and
 549 Family Services, the Department of Health, or the Florida
 550 Healthy Kids Corporation is confidential and exempt from s.
 551 119.07(1) and s. 24(a), Art. I of the State Constitution. Such

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552 information may be disclosed to another governmental entity only
553 if disclosure is necessary for the entity to perform its duties
554 and responsibilities under the Florida Kidcare program and shall
555 be disclosed to the Department of Revenue for purposes of
556 administering the state's Title IV-D program. The receiving
557 governmental entity must maintain the confidential and exempt
558 status of such information. Furthermore, such information may
559 not be released to any person without the written consent of the
560 program applicant. This exemption applies to any information
561 identifying a Florida Kidcare program applicant or enrollee held
562 by the Agency for Health Care Administration, the Department of
563 Children and Family Services, the Department of Health, or the
564 Florida Healthy Kids Corporation before, on, or after the
565 effective date of this exemption. A violation of this section is
566 a misdemeanor of the second degree, punishable as provided in s.
567 775.082 or s. 775.083.

568 Section 12. Except as otherwise provided herein, this act
569 shall take effect upon becoming a law.