

1 A bill to be entitled

2 An act relating to child support enforcement; amending s.
3 61.13, F.S.; providing civil penalties for employers,
4 unions, and plan administrators not in compliance with
5 requirements of the national medical support notice;
6 amending s. 61.1354, F.S.; providing for sharing of
7 information between consumer reporting agencies and the
8 Department of Revenue relating to amount of current
9 support owed; requiring the department to continue
10 reporting to consumer reporting agencies once overdue
11 amount is paid if current support is still owed; amending
12 s. 61.14, F.S.; providing conditions for collection of
13 support from workers' compensation settlements; providing
14 for amendment of the allocation of support recovery within
15 the settlement agreement; providing for rulemaking by the
16 Office of the Judges of Compensation Claims; amending s.
17 61.1812, F.S.; correcting a reference; amending s. 222.21,
18 F.S.; correcting a reference; amending s. 382.016, F.S.;
19 providing exceptions to the requirement that the
20 department limit access to an acknowledgment of paternity
21 that amends an original birth certificate; providing
22 conditions under which an original birth certificate for a
23 child born in this state whose paternity is established in
24 another state may be amended; amending s. 409.2558, F.S.;
25 providing a procedure for redirecting payments to the
26 person with whom a child resides under certain
27 circumstances; providing for notice and hearing; amending
28 s. 409.2561, F.S.; providing limitation to exemption for

29 support order establishment to recipients of supplemental
30 security income and temporary cash assistance; amending s.
31 409.2567, F.S.; eliminating requirement for a monthly
32 report by the department on funds identified for
33 collection from noncustodial parents of children receiving
34 temporary assistance; amending s. 409.821, F.S.; requiring
35 the provision of information identifying KidCare program
36 applicants to the department for Title IV-D purposes;
37 providing effective dates.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Effective October 1, 2005, paragraph (b) of
42 subsection (1) of section 61.13, Florida Statutes, is amended to
43 read:

44 61.13 Custody and support of children; visitation rights;
45 power of court in making orders.--

46 (1)

47 (b) Each order for support shall contain a provision for
48 health care coverage for the minor child when the coverage is
49 reasonably available. Coverage is reasonably available if either
50 the obligor or obligee has access at a reasonable rate to a
51 group health plan. The court may require the obligor either to
52 provide health care coverage or to reimburse the obligee for the
53 cost of health care coverage for the minor child when coverage
54 is provided by the obligee. In either event, the court shall
55 apportion the cost of coverage, and any noncovered medical,
56 dental, and prescription medication expenses of the child, to

57 | both parties by adding the cost to the basic obligation
58 | determined pursuant to s. 61.30(6). The court may order that
59 | payment of uncovered medical, dental, and prescription
60 | medication expenses of the minor child be made directly to the
61 | obligee on a percentage basis.

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

65 | a. The obligor fails to provide written proof to the
66 | obligee within 30 days after receiving effective notice of the
67 | court order, that the health care coverage has been obtained or
68 | that application for coverage has been made;

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

72 | c. The obligor fails within 15 days after the mailing of
73 | the notice to provide written proof to the obligee that the
74 | health care coverage existed as of the date of mailing.

75 | 2.a. A support order enforced under Title IV-D of the
76 | Social Security Act which requires that the obligor provide
77 | health care coverage is enforceable by the department through
78 | the use of the national medical support notice, and an amendment
79 | to the support order is not required. The department shall
80 | transfer the national medical support notice to the obligor's
81 | union or employer. The department shall notify the obligor in
82 | writing that the notice has been sent to the obligor's union or
83 | employer, and the written notification must include the
84 | obligor's rights and duties under the national medical support

85 notice. The obligor may contest the withholding required by the
86 national medical support notice based on a mistake of fact. To
87 contest the withholding, the obligor must file a written notice
88 of contest with the department within 15 business days after the
89 date the obligor receives written notification of the national
90 medical support notice from the department. Filing with the
91 department is complete when the notice is received by the person
92 designated by the department in the written notification. The
93 notice of contest must be in the form prescribed by the
94 department. Upon the timely filing of a notice of contest, the
95 department shall, within 5 business days, schedule an informal
96 conference with the obligor to discuss the obligor's factual
97 dispute. If the informal conference resolves the dispute to the
98 obligor's satisfaction or if the obligor fails to attend the
99 informal conference, the notice of contest is deemed withdrawn.
100 If the informal conference does not resolve the dispute, the
101 obligor may request an administrative hearing under chapter 120
102 within 5 business days after the termination of the informal
103 conference, in a form and manner prescribed by the department.
104 However, the filing of a notice of contest by the obligor does
105 not delay the withholding of premium payments by the union,
106 employer, or health plan administrator. The union, employer, or
107 health plan administrator must implement the withholding as
108 directed by the national medical support notice unless notified
109 by the department that the national medical support notice is
110 terminated.

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

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

123 4.a. Upon receipt of the national medical support notice
124 under subparagraph 2. in a Title IV-D case, the union or
125 employer shall transfer the notice to the appropriate group
126 health plan administrator within 20 business days after the date
127 on the notice. The plan administrator must enroll the child as a
128 beneficiary in the group health plan regardless of any
129 restrictions on the enrollment period, and the union or employer
130 must withhold any required premium from the obligor's income
131 upon notification by the plan administrator that the child is
132 enrolled. The child shall be enrolled in the group health plan
133 in which the obligor is enrolled. If the group health plan in
134 which the obligor is enrolled is not available where the child
135 resides or if the obligor is not enrolled in group coverage, the
136 child shall be enrolled in the lowest cost group health plan
137 that is available where the child resides.

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

145 5.a. The amount withheld by a union or employer in
 146 compliance with a support order may not exceed the amount
 147 allowed under s. 303(b) of the Consumer Credit Protection Act,
 148 15 U.S.C. s. 1673(b), as amended. The union or employer shall
 149 withhold the maximum allowed by the Consumer Credit Protection
 150 Act in the following order:

- 151 (I) Current support, as ordered.
- 152 (II) Premium payments for health care coverage, as
 153 ordered.
- 154 (III) Past due support, as ordered.
- 155 (IV) Other medical support or coverage, as ordered.

156 b. If the combined amount to be withheld for current
 157 support plus the premium payment for health care coverage exceed
 158 the amount allowed under the Consumer Credit Protection Act, and
 159 the health care coverage cannot be obtained unless the full
 160 amount of the premium is paid, the union or employer may not
 161 withhold the premium payment. However, the union or employer
 162 shall withhold the maximum allowed in the following order:

- 163 (I) Current support, as ordered.
- 164 (II) Past due support, as ordered.
- 165 (III) Other medical support or coverage, as ordered.

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

172 ~~7.6-~~ The Department of Revenue may adopt rules to
173 administer the child support enforcement provisions of this
174 section which affect Title IV-D cases.

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

177 61.1354 Sharing of information between consumer reporting
178 agencies and the IV-D agency.--

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

192 (2) The IV-D agency shall report periodically to
193 appropriate consumer reporting agencies, as identified by the

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

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

214 61.14 Enforcement and modification of support,
215 maintenance, or alimony agreements or orders.--

216 (8) (a) When an employee and employer reach an agreement
217 for a lump-sum settlement under s. 440.20(11), no proceeds of
218 the settlement shall be disbursed to the employee, nor shall any
219 attorney's fees be disbursed, until after a judge of
220 compensation claims reviews the proposed disbursement and enters
221 an order finding the settlement provides for appropriate

222 recovery of any support arrearage. The employee, or the
223 employee's attorney if the employee is represented, shall submit
224 a written statement from the department as to whether the
225 employee owes unpaid support and, if so, the amount owed. In
226 addition, the judge of compensation claims may require the
227 employee to submit a similar statement from a local depository
228 established under s. 61.181. The sworn statement of the employee
229 that all existing support obligations have been disclosed is
230 also required. If the judge finds the proposed allocation of
231 support recovery insufficient, the parties may amend the
232 allocation of support recovery within the settlement agreement
233 to make the allocation of proceeds sufficient. The Office of the
234 Judges of Compensation Claims shall adopt procedural rules to
235 implement this paragraph. ~~When reviewing and approving any lump-~~
236 ~~sum settlement under s. 440.20(11)(a) and (b), a judge of~~
237 ~~compensation claims must consider whether the settlement serves~~
238 ~~the interests of the worker and the worker's family, including,~~
239 ~~but not limited to, whether the settlement provides for~~
240 ~~appropriate recovery of any child support arrearage.~~

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

243 61.1812 Child Support Incentive Trust Fund.--

244 (1) The Child Support Incentive Trust Fund is hereby
245 created, to be administered by the Department of Revenue. All
246 child support enforcement incentive earnings and that portion of
247 the state share of Title IV-A public assistance collections
248 recovered in fiscal year 1996-1997 by the Title IV-D program of
249 the department which is in excess of the amount estimated by the

250 February 1997 Social Services Estimating Conference to be
 251 recovered in fiscal year 1996-1997 shall be credited to the
 252 trust fund, and no other receipts, except interest earnings,
 253 shall be credited thereto. For fiscal years beginning with 1997-
 254 1998, in addition to incentive earnings and interest earnings,
 255 that portion of the state share of Title IV-A public assistance
 256 collections recovered in each fiscal year by the Title IV-D
 257 program of the department which is in excess of the amount
 258 estimated by the February 1997 Social Services Estimating
 259 Conference to be recovered in fiscal year 1997-1998 shall be
 260 credited to the trust fund. The purpose of the trust fund is to
 261 account for federal incentive payments to the state for child
 262 support enforcement and to support the activities of the child
 263 support enforcement program under Title IV-D of the Social
 264 Security Act. The department shall invest the money in the trust
 265 fund pursuant to s. 17.61 ~~ss. 215.44-215.52~~, and retain all
 266 interest earnings in the trust fund. The department shall
 267 separately account for receipts credited to the trust fund. When
 268 all general revenue appropriations for the child support
 269 enforcement program have been shifted to the trust fund, then
 270 annually thereafter, on June 30, if revenues deposited into the
 271 trust fund, including federal child support incentive earnings,
 272 have exceeded state expenditures for the child support
 273 enforcement program administered by the department for the prior
 274 12-month period, the revenues in excess of cash flow needs are
 275 transferred to the General Revenue Fund.

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

278 | 222.21 Exemption of pension money and retirement or
279 | profit-sharing benefits from legal processes.--

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

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

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

299 | Section 6. Effective July 1, 2005, paragraph (b) of
300 | subsection (1) of section 382.016, Florida Statutes, is amended
301 | to read:

302 | 382.016 Amendment of records.--The department, upon
303 | receipt of the fee prescribed in s. 382.0255; documentary
304 | evidence, as specified by rule, of any misstatement, error, or
305 | omission occurring in any birth, death, or fetal death record;

306 and an affidavit setting forth the changes to be made, shall
307 amend or replace the original certificate as necessary.

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

309 (b) Upon written request and receipt of an affidavit, a
310 notarized voluntary acknowledgment of paternity signed by the
311 mother and father acknowledging the paternity of a registrant
312 born out of wedlock, or a voluntary acknowledgment of paternity
313 that is witnessed by two individuals and signed under penalty of
314 perjury as specified by s. 92.525(2), together with sufficient
315 information to identify the original certificate of live birth,
316 the department shall prepare a new birth certificate, which
317 shall bear the same file number as the original birth
318 certificate. The names and identifying information of the
319 parents shall be entered as of the date of the registrant's
320 birth. The surname of the registrant may be changed from that
321 shown on the original birth certificate at the request of the
322 mother and father of the registrant, or the registrant if of
323 legal age. If the mother and father marry each other at any time
324 after the registrant's birth, the department shall, upon the
325 request of the mother and father or registrant if of legal age
326 and proof of the marriage, amend the certificate with regard to
327 the parents' marital status as though the parents were married
328 at the time of birth. The department shall substitute the new
329 certificate of birth for the original certificate on file. All
330 copies of the original certificate of live birth in the custody
331 of a local registrar or other state custodian of vital records
332 shall be forwarded to the State Registrar. Thereafter, when a
333 certified copy of the certificate of birth or portion thereof is

334 issued, it shall be a copy of the new certificate of birth or
335 portion thereof, except when a court order requires issuance of
336 a certified copy of the original certificate of birth. Except
337 for a birth certificate on which a father is listed pursuant to
338 an affidavit, a notarized voluntary acknowledgment of paternity
339 signed by the mother and father acknowledging the paternity of a
340 registrant born out of wedlock, or a voluntary acknowledgment of
341 paternity that is witnessed by two individuals and signed under
342 penalty of perjury as specified by s. 92.525(2), the department
343 shall place the original certificate of birth and all papers
344 pertaining thereto under seal, not to be broken except by order
345 of a court of competent jurisdiction or as otherwise provided by
346 law.

347 Section 7. Effective October 1, 2005, paragraph (d) is
348 added to subsection (1) of section 382.016, Florida Statutes, to
349 read:

350 382.016 Amendment of records.--The department, upon
351 receipt of the fee prescribed in s. 382.0255; documentary
352 evidence, as specified by rule, of any misstatement, error, or
353 omission occurring in any birth, death, or fetal death record;
354 and an affidavit setting forth the changes to be made, shall
355 amend or replace the original certificate as necessary.

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

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

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

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

370
371 The department may not amend a child's birth certificate to
372 include the name of the child's father if paternity was
373 established by adoption and the father is not eligible to adopt
374 under state law.

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

378 409.2558 Support distribution and disbursement.--

379 (7) ORDER REDIRECTING PAYMENTS TO THE PERSON WITH WHOM THE
380 CHILD RESIDES.--

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

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

391 1. Public assistance records that show a person other than
 392 the obligee or obligor is receiving public assistance for the
 393 child.

394 2. A statement by the obligee that the child resides with
 395 a person other than the obligee or obligor is submitted to the
 396 department.

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

401 4. Government records that show the obligee is
 402 incarcerated.

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

405 6. Other credible information that indicates the child
 406 resides with a person other than the obligee or obligor is
 407 submitted to the department.

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

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

414 2. The name and address of the person with whom the child
 415 resides, if known, unless disclosure is prohibited under s.
 416 409.2579(3) or (4) or the child is in foster care.

417 3. That the department will not disburse current support
418 payments for the child without a further order from the tribunal
419 that entered the support order.

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

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

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

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

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

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

436 b. The effective date of the intended action to disburse
437 current support payments to the person with whom the child
438 resides, the amount of arrearages owed to the obligee and the
439 person with whom the child resides, and the amount of the order
440 for periodic repayment of arrearages;

441 c. That the obligee, the obligor, and the person with whom
442 the child resides may contest the intended action by filing with
443 the department a petition for an administrative hearing within
444 30 days after the date of mailing of the notice;

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

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

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

469 (e) If the tribunal finds by a preponderance of the
470 evidence that the child does not reside with the obligee, the
471 tribunal shall enter an order that redirects the obligor's
472 current support payments due under the support order to the

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

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

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

492 409.2561 Support obligations when public assistance is
493 paid; assignment of rights; subrogation; medical and health
494 insurance information.--

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

501 Section 10. Section 409.2567, Florida Statutes, is amended
502 to read:

503 409.2567 Services to individuals not otherwise
504 eligible.--All support services provided by the department shall
505 be made available on behalf of all dependent children. Services
506 shall be provided upon acceptance of public assistance or upon
507 proper application filed with the department. The department
508 shall adopt rules to provide for the payment of a \$25
509 application fee from each applicant who is not a public
510 assistance recipient. The application fee shall be deposited in
511 the Child Support Enforcement Application and Program Revenue
512 Trust Fund within the Department of Revenue to be used for the
513 Child Support Enforcement Program. The obligor is responsible
514 for all administrative costs, as defined in s. 409.2554. The
515 court shall order payment of administrative costs without
516 requiring the department to have a member of the bar testify or
517 submit an affidavit as to the reasonableness of the costs. An
518 attorney-client relationship exists only between the department
519 and the legal services providers in Title IV-D cases. The
520 attorney shall advise the obligee in Title IV-D cases that the
521 attorney represents the agency and not the obligee. In Title IV-
522 D cases, any costs, including filing fees, recording fees,
523 mediation costs, service of process fees, and other expenses
524 incurred by the clerk of the circuit court, shall be assessed
525 only against the nonprevailing obligor after the court makes a
526 determination of the nonprevailing obligor's ability to pay such
527 costs and fees. In any case where the court does not award all
528 costs, the court shall state in the record its reasons for not

529 | awarding the costs. The Department of Revenue shall not be
530 | considered a party for purposes of this section; however, fees
531 | may be assessed against the department pursuant to s. 57.105(1).
532 | ~~The department shall submit a monthly report to the Governor and~~
533 | ~~the chairs of the Health and Human Services Fiscal Committee of~~
534 | ~~the House of Representatives and the Ways and Means Committee of~~
535 | ~~the Senate specifying the funds identified for collection from~~
536 | ~~the noncustodial parents of children receiving temporary~~
537 | ~~assistance and the amounts actually collected.~~

538 | Section 11. Effective October 1, 2005, section 409.821,
539 | Florida Statutes, is amended to read:

540 | 409.821 Florida Kidcare program public records
541 | exemption.--Notwithstanding any other law to the contrary, any
542 | information identifying a Florida Kidcare program applicant or
543 | enrollee, as defined in s. 409.811, held by the Agency for
544 | Health Care Administration, the Department of Children and
545 | Family Services, the Department of Health, or the Florida
546 | Healthy Kids Corporation is confidential and exempt from s.
547 | 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
548 | information may be disclosed to another governmental entity only
549 | if disclosure is necessary for the entity to perform its duties
550 | and responsibilities under the Florida Kidcare program and shall
551 | be disclosed to the Department of Revenue for purposes of
552 | administering the state's Title IV-D program. The receiving
553 | governmental entity must maintain the confidential and exempt
554 | status of such information. Furthermore, such information may
555 | not be released to any person without the written consent of the
556 | program applicant. This exemption applies to any information

557 identifying a Florida Kidcare program applicant or enrollee held
558 by the Agency for Health Care Administration, the Department of
559 Children and Family Services, the Department of Health, or the
560 Florida Healthy Kids Corporation before, on, or after the
561 effective date of this exemption. A violation of this section is
562 a misdemeanor of the second degree, punishable as provided in s.
563 775.082 or s. 775.083.

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