

## ENROLLED

HB 775, Engrossed 1

2005 Legislature

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

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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

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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

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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.

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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.

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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.

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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

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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



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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

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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:

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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;

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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

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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:

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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.

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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.

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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;



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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

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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.

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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

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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

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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.