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Proposed Committee Substitute by the Committee on Children,  
Families, and Elder Affairs

1 A bill to be entitled

2 An act relating to child support enforcement; amending s.  
3 61.14, F.S.; requiring payments on child support judgments  
4 to be applied first to the current child support due, then  
5 to the delinquent principal, and then to any interest on  
6 the judgment; amending s. 328.42, F.S.; requiring the  
7 Department of Highway Safety and Motor Vehicles to  
8 cooperate with the Department of Revenue in establishing a  
9 method for disclosing owners of registered vessels to the  
10 Department of Revenue; authorizing the Department of  
11 Highway Safety and Motor Vehicles to suspend the operating  
12 privilege of vessel owners who are not in compliance with  
13 orders relating to child support when directed by the  
14 Department of Revenue; amending s. 409.256, F.S.;  
15 requiring the correctional facility to assist a putative  
16 father in complying with an order to appear for genetic  
17 testing; clarifying that an administrative order for  
18 genetic testing has the same force and effect as a court  
19 order; amending s. 456.004, F.S.; requiring the Department  
20 of Health to cooperate with the Department of Revenue in  
21 establishing a method for disclosing health practitioner  
22 licensees to the Department of Revenue; authorizing the  
23 Department of Health to suspend or deny the license of a  
24 licensee who is not in compliance with orders relating to  
25 child support when directed by the Department of Revenue;  
26 amending ss. 497.167 and 559.79, F.S.; requiring the  
27 Department of Business and Professional Regulation to



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28 cooperate with the Department of Revenue in establishing a  
29 method for disclosing professional licensees to the  
30 Department of Revenue; authorizing the Department of  
31 Business and Professional Regulation to suspend or deny  
32 the license of a licensee who is not in compliance with  
33 orders relating to child support when directed by the  
34 Department of Revenue; amending s. 1012.21, F.S.;  
35 requiring the Department of Education to cooperate with  
36 the Department of Revenue in establishing a method for  
37 disclosing educators to the Department of Revenue;  
38 authorizing the Department of Education to suspend or deny  
39 the teaching certificate of a person who is not in  
40 compliance with orders relating to child support when  
41 directed by the Department of Revenue; amending s.  
42 1012.795, F.S.; requiring the Education Practices  
43 Commission to suspend or deny the educator certificate of  
44 a person who is not in compliance with orders relating to  
45 child support upon notice by the Department of Revenue;  
46 repealing s. 409.25645, F.S., relating to the Department  
47 of Revenue's authority to publish a list of overdue child  
48 support obligors; providing an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Paragraph (d) of subsection (6) of section  
53 61.14, Florida Statutes, is amended to read:

54 61.14 Enforcement and modification of support, maintenance,  
55 or alimony agreements or orders.--

56 (6)



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57           (d) The court shall hear the obligor's motion to contest  
58 the impending judgment within 15 days after the date of ~~the~~  
59 filing of the motion. Upon the court's denial of the obligor's  
60 motion, the amount of the delinquency and all other amounts that  
61 ~~which thereafter~~ become due, together with costs and a service  
62 charge of up to \$7.50, become a final judgment by operation of  
63 law against the obligor. The depository shall charge interest at  
64 the rate established in s. 55.03 on all judgments for support.  
65 Payments on judgments shall be applied first to the current child  
66 support due, then to any delinquent principal, and then to  
67 interest on the support judgment.

68           Section 2. Subsection (1) of section 328.42, Florida  
69 Statutes, is amended to read:

70           328.42 Suspension or denial of a vessel registration due to  
71 support delinquency; dishonored checks.--

72           (1) The department shall work cooperatively with the  
73 Department of Revenue to establish an automated method for  
74 periodically disclosing information relating to current owners of  
75 registered vessels to the Department of Revenue, the state's  
76 Title IV-D agency must allow applicants for new or renewal  
77 registrations to be screened by the Department of Revenue, as the  
78 Title IV-D child support agency under s. 409.2598 to assure  
79 compliance with an obligation for support as defined in s.  
80 409.2554, or by a non-IV-D obligee to assure compliance with a  
81 child support obligation. The purpose of this subsection section  
82 is to promote the public policy of this state relating to child  
83 support as established in s. 409.2551. The department shall must,  
84 when directed by the court or the Department of Revenue pursuant  
85 to s. 409.2598, deny or suspend the vessel registration and  
86 suspend the vessel operating privilege of an owner of any



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87 ~~applicant~~ found not to be in compliance with a support order,  
88 subpoena, an order to show cause, or a written agreement with the  
89 Department of Revenue to have a delinquent support obligation.  
90 The department shall ~~must~~ issue or reinstate a registration and a  
91 privilege to operate when notified by the ~~Title IV-D agency or~~  
92 ~~the court~~ or the Department of Revenue that the owner applicant  
93 has complied with the terms of the support ~~court~~ order. The  
94 department is ~~may~~ not ~~be held~~ liable for any registration denial  
95 or suspension, or suspension of operating privileges, resulting  
96 from the discharge of its duties under this section.

97 Section 3. Paragraph (d) and (e) are added to subsection  
98 (4) of section 409.256, Florida Statutes, to read:

99 409.256 Administrative proceeding to establish paternity or  
100 paternity and child support; order to appear for genetic  
101 testing.--

102 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR  
103 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC TESTING;  
104 MANNER OF SERVICE; CONTENTS.--The Department of Revenue shall  
105 commence a proceeding to determine paternity, or a proceeding to  
106 determine both paternity and child support, by serving the  
107 respondent with a notice as provided in this section. An order to  
108 appear for genetic testing may be served at the same time as a  
109 notice of the proceeding or may be served separately. A copy of  
110 the affidavit or written declaration upon which the proceeding is  
111 based shall be provided to the respondent when notice is served.  
112 A notice or order to appear for genetic testing shall be served  
113 by certified mail, restricted delivery, return receipt requested,  
114 or in accordance with the requirements for service of process in  
115 a civil action. Service by certified mail is completed when the  
116 certified mail is received or refused by the addressee or by an



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117 | authorized agent as designated by the addressee in writing. If a  
118 | person other than the addressee signs the return receipt, the  
119 | department shall attempt to reach the addressee by telephone to  
120 | confirm whether the notice was received, and the department shall  
121 | document any telephonic communications. If someone other than the  
122 | addressee signs the return receipt, the addressee does not  
123 | respond to the notice, and the department is unable to confirm  
124 | that the addressee has received the notice, service is not  
125 | completed and the department shall attempt to have the addressee  
126 | served personally. For purposes of this section, an employee or  
127 | an authorized agent of the department may serve the notice or  
128 | order to appear for genetic testing and execute an affidavit of  
129 | service. The department may serve an order to appear for genetic  
130 | testing on a custodian. The department shall provide a copy of  
131 | the notice or order to appear by regular mail to the mother and  
132 | custodian, if they are not respondents.

133 | (d) If the putative father is incarcerated, the  
134 | correctional facility shall assist the putative father in  
135 | complying with an administrative order to appear for genetic  
136 | testing issued under this section.

137 | (e) An administrative order to appear for genetic testing  
138 | has the same force and effect as a court order.

139 | Section 4. Subsection (9) of section 456.004, Florida  
140 | Statutes, is amended to read:

141 | 456.004 Department; powers and duties.--The department, for  
142 | the professions under its jurisdiction, shall:

143 | (9) Work cooperatively with the Department of Revenue to  
144 | establish an automated method for periodically disclosing  
145 | information relating to current licensees to the Department of  
146 | Revenue, the state's Title IV-D agency ~~Allow applicants for new~~



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147 ~~or renewal licenses and current licensees to be screened by the~~  
148 ~~Title IV-D child support agency pursuant to s. 409.2598 to assure~~  
149 ~~compliance with a support obligation, as defined in s. 409.2554.~~  
150 The purpose of this subsection is to promote the public policy of  
151 this state relating to child support as established in s.  
152 409.2551. The department shall, when directed by the court or the  
153 Department of Revenue pursuant to s. 409.2598, suspend or deny  
154 the license of any licensee found not to be in compliance with a  
155 support order, a subpoena, an order to show cause, or a written  
156 agreement with the Department of Revenue ~~to have a delinquent~~  
157 ~~support obligation~~. The department shall issue or reinstate the  
158 license without additional charge to the licensee when notified  
159 by the court or the Department of Revenue that the licensee has  
160 complied with the terms of the support ~~court~~ order. The  
161 department ~~is shall~~ not ~~be held~~ liable for any license denial or  
162 suspension resulting from the discharge of its duties under this  
163 subsection.

164 Section 5. Subsection (6) of section 497.167, Florida  
165 Statutes, is amended to read:

166 497.167 Administrative matters.--

167 (6) The department shall work cooperatively with the  
168 Department of Revenue to establish an automated method for  
169 periodically disclosing information relating to current licensees  
170 to the Department of Revenue, the state's Title IV-D agency ~~allow~~  
171 ~~applicants for new or renewal licenses and current licensees to~~  
172 ~~be screened by the Title IV-D child support agency pursuant to s.~~  
173 ~~409.2598 to ensure compliance with a support obligation.~~ The  
174 purpose of this subsection is to promote the public policy of  
175 this state relating to child support as established in s.  
176 409.2551. The department shall, when directed by the court or the



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177 Department of Revenue pursuant to s. 409.2598, suspend or deny  
178 the license of any licensee found not to be in compliance with a  
179 support order, a subpoena, an order to show cause, or a written  
180 agreement with the Department of Revenue ~~to have a delinquent~~  
181 ~~support obligation, as defined in s. 409.2554.~~ The department  
182 shall issue or reinstate the license without additional charge to  
183 the licensee when notified by the court or the Department of  
184 Revenue that the licensee has complied with the terms of the  
185 support ~~court~~ order. The department is ~~shall not be held~~ liable  
186 for any license denial or suspension resulting from the discharge  
187 of its duties under this subsection.

188 Section 6. Subsection (3) of section 559.79, Florida  
189 Statutes, is amended to read:

190 559.79 Applications for license or renewal.--

191 (3) The department shall work cooperatively with the  
192 Department of Revenue to establish an automated method for  
193 periodically disclosing information relating to current licensees  
194 to the Department of Revenue, the state's Title IV-D agency ~~allow~~  
195 ~~the Title IV-D child support agency to screen all applicants for~~  
196 ~~new or renewal licenses and current licensees pursuant to s.~~  
197 ~~409.2598 to assure compliance with a support obligation, as~~  
198 ~~defined in s. 409.2554.~~ The purpose of this subsection is to  
199 promote the public policy of this state relating to child support  
200 as established in s. 409.2551. The department shall, when  
201 directed by the court or the Department of Revenue pursuant to s.  
202 409.2598, suspend or deny the license of any licensee found not  
203 to be in compliance with a support order, a subpoena, an order to  
204 show cause, or a written agreement with the Department of Revenue  
205 ~~to have a delinquent support obligation.~~ The department shall  
206 issue or reinstate the license without additional charge to the



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207 | licensee when notified by the court or the Department of Revenue  
208 | that the licensee has complied with the terms of the support  
209 | ~~court~~ order. The department is ~~shall~~ not ~~be~~ liable for any  
210 | license denial or suspension resulting from the discharge of its  
211 | duties under this subsection.

212 | Section 7. Subsection (3) of section 1012.21, Florida  
213 | Statutes, is amended to read:

214 | 1012.21 Department of Education duties; K-12 personnel.--

215 | (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE TO  
216 | CHILD SUPPORT DELINQUENCY.--The Department of Education shall  
217 | work cooperatively with the Department of Revenue to establish an  
218 | automated method for periodically disclosing information relating  
219 | to individuals who hold a certificate pursuant to s. 1012.56 or  
220 | s. 1012.57 to the Department of Revenue, the state's Title IV-D  
221 | agency allow applicants for new or renewal certificates and  
222 | renewal certificateholders to be screened by the Title IV-D child  
223 | support agency pursuant to s. 409.2598 to assure compliance with  
224 | an obligation for support, as defined in s. 409.2554. The purpose  
225 | of this section is to promote the public policy of this state  
226 | relating to child support as established in s. 409.2551. The  
227 | department shall, when directed by the court or the Department of  
228 | Revenue pursuant to s. 409.2598, deny or suspend the application  
229 | of any applicant found not to be in compliance with a support  
230 | order, a subpoena, an order to show cause, or a written agreement  
231 | with the Department of Revenue to have a delinquent support  
232 | obligation. The department shall issue or reinstate the  
233 | certificate without additional charge to the certificateholder  
234 | when notified by the court or the Department of Revenue that the  
235 | certificateholder has complied with the terms of the support  
236 | court order. The department is ~~shall~~ not ~~be held~~ liable for any





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237 certificate denial or suspension resulting from the discharge of  
238 its duties under this section.

239 Section 8. Subsection (1) and paragraph (a) of subsection  
240 (4) of section 1012.795, Florida Statutes, are amended to read:

241 1012.795 Education Practices Commission; authority to  
242 discipline.--

243 (1) The Education Practices Commission may suspend the  
244 educator certificate of any person as defined in s. 1012.01(2) or  
245 (3) for up to ~~a period of time not to exceed~~ 5 years, thereby  
246 denying that person the right to teach or otherwise be employed  
247 by a district school board or public school in any capacity  
248 requiring direct contact with students for that period of time,  
249 after which the holder may return to teaching as provided in  
250 subsection (4); may revoke the educator certificate of any  
251 person, thereby denying that person the right to teach or  
252 otherwise be employed by a district school board or public school  
253 in any capacity requiring direct contact with students for up to  
254 ~~a period of time not to exceed~~ 10 years, with reinstatement  
255 subject to the provisions of subsection (4); may revoke  
256 permanently the educator certificate of any person thereby  
257 denying that person the right to teach or otherwise be employed  
258 by a district school board or public school in any capacity  
259 requiring direct contact with students; may suspend the educator  
260 certificate, upon an order of the court or notice by the  
261 Department of Revenue relating to the payment of child support,  
262 ~~of any person found to have a delinquent child support~~  
263 ~~obligation~~; or may impose any other penalty provided by law,  
264 provided it can be shown that the person:

265 (a) Obtained or attempted to obtain an educator certificate  
266 by fraudulent means.



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267 (b) Has proved to be incompetent to teach or to perform  
268 duties as an employee of the public school system or to teach in  
269 or to operate a private school.

270 (c) Has been guilty of gross immorality or an act involving  
271 moral turpitude.

272 (d) Has had an educator certificate sanctioned by  
273 revocation, suspension, or surrender in another state.

274 (e) Has been convicted of a misdemeanor, felony, or any  
275 other criminal charge, other than a minor traffic violation.

276 (f) Upon investigation, has been found guilty of personal  
277 conduct that ~~which~~ seriously reduces that person's effectiveness  
278 as an employee of the district school board.

279 (g) Has breached a contract, as provided in s. 1012.33(2).

280 (h) Has been the subject of a court order or notice by the  
281 Department of Revenue pursuant to s. 409.2598 directing the  
282 Education Practices Commission to suspend the certificate as a  
283 result of noncompliance with a child support order, a subpoena,  
284 an order to show cause, or a written agreement with the  
285 Department of Revenue ~~a delinquent child support obligation.~~

286 (i) Has violated the Principles of Professional Conduct for  
287 the Education Profession prescribed by State Board of Education  
288 rules.

289 (j) Has otherwise violated the provisions of law, the  
290 penalty for which is the revocation of the educator certificate.

291 (k) Has violated any order of the Education Practices  
292 Commission.

293 (l) Has been the subject of a court order or plea agreement  
294 in any jurisdiction which requires the certificateholder to  
295 surrender or otherwise relinquish his or her educator's  
296 certificate. A surrender or relinquishment shall be for permanent



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297 | revocation of the certificate. A person may not surrender or  
298 | otherwise relinquish his or her certificate prior to a finding of  
299 | probable cause by the commissioner as provided in s. 1012.796.

300 |       (4) (a) An educator certificate that ~~which~~ has been  
301 | suspended under this section is automatically reinstated at the  
302 | end of the suspension period, provided the certificate did not  
303 | expire during the period of suspension. If the certificate  
304 | expired during the period of suspension, the holder of the former  
305 | certificate may secure a new certificate by making application  
306 | therefor and by meeting the certification requirements of the  
307 | state board current at the time of the application for the new  
308 | certificate. An educator certificate suspended pursuant to  
309 | paragraph (1) (g) a court order for a delinquent child support  
310 | ~~obligation~~ may ~~only~~ be reinstated only upon notice from the court  
311 | or the Department of Revenue that the party has complied with the  
312 | terms of the support court order, subpoena, order to show cause,  
313 | or written agreement.

314 |       Section 9. Section 409.25645, Florida Statutes, is  
315 | repealed.

316 |       Section 10. This act shall take effect upon becoming a law.