

By the Committee on Children, Families, and Elder Affairs; and  
Senator Storms

586-04512-08

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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. 61.1824, F.S.; requiring the  
7 State Disbursement Unit to disburse payments to obligees  
8 electronically; amending s. 328.42, F.S.; requiring the  
9 Department of Highway Safety and Motor Vehicles to  
10 cooperate with the Department of Revenue in establishing a  
11 method for disclosing owners of registered vessels to the  
12 Department of Revenue; authorizing the Department of  
13 Highway Safety and Motor Vehicles to suspend the operating  
14 privilege of vessel owners who are not in compliance with  
15 orders relating to child support when directed by the  
16 Department of Revenue; amending s. 409.2558, F.S.;  
17 requiring the State Disbursement Unit to disburse payments  
18 to obligees electronically; amending s. 409.256, F.S.;  
19 requiring the correctional facility to assist a putative  
20 father in complying with an order to appear for genetic  
21 testing; clarifying that an administrative order for  
22 genetic testing has the same force and effect as a court  
23 order; amending s. 456.004, F.S.; requiring the Department  
24 of Health to cooperate with the Department of Revenue in  
25 establishing a method for disclosing health practitioner  
26 licensees to the Department of Revenue; authorizing the  
27 Department of Health to suspend or deny the license of a  
28 licensee who is not in compliance with orders relating to  
29 child support when directed by the Department of Revenue;

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30 amending s. 497.167, F.S.; 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. 559.79, F.S.; requiring  
35 the Department of Business and Professional Regulation to  
36 cooperate with the Department of Revenue in establishing a  
37 method for disclosing professional licensees to the  
38 Department of Revenue; authorizing the Department of  
39 Business and Professional Regulation to suspend or deny  
40 the license of a licensee who is not in compliance with  
41 orders relating to child support when directed by the  
42 Department of Revenue; amending s. 1012.21, F.S.;  
43 requiring the Department of Education to cooperate with  
44 the Department of Revenue in establishing a method for  
45 disclosing educators to the Department of Revenue;  
46 authorizing the Department of Education to suspend or deny  
47 the teaching certificate of a person who is not in  
48 compliance with orders relating to child support when  
49 directed by the Department of Revenue; amending s.  
50 1012.795, F.S.; requiring the Education Practices  
51 Commission to suspend or deny the educator certificate of  
52 a person who is not in compliance with orders relating to  
53 child support upon notice by the Department of Revenue;  
54 repealing s. 409.25645, F.S., relating to administrative  
55 orders for genetic testing; providing an effective date.

56  
57 Be It Enacted by the Legislature of the State of Florida:  
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59 Section 1. Paragraph (d) of subsection (6) of section  
60 61.14, Florida Statutes, is amended to read:

61 61.14 Enforcement and modification of support, maintenance,  
62 or alimony agreements or orders.--

63 (6)

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

75 Section 2. Paragraph (d) of subsection (3) of section  
76 61.1824, Florida Statutes, is amended to read:

77 61.1824 State Disbursement Unit.--

78 (3) The State Disbursement Unit shall perform the following  
79 functions:

80 (d) To the extent feasible, use automated procedures for  
81 the collection and disbursement of support payments, including,  
82 but not limited to, having procedures for:

83 1. Receipt of payments from obligors, employers, other  
84 states and jurisdictions, and other entities.

85 2. Timely disbursement of payments to obligees, the  
86 department, and other state Title IV-D agencies.

87 3. Accurate identification of payment source and amount.

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88 4. Furnishing any parent, upon request, timely information  
89 on the current status of support payments under an order  
90 requiring payments to be made by or to the parent, except that in  
91 cases described in paragraph (1)(b), prior to the date the State  
92 Disbursement Unit becomes fully operational, the State  
93 Disbursement Unit shall not be required to convert and maintain  
94 in automated form records of payments kept pursuant to s. 61.181.

95 5. Electronic disbursement of support payments to obligees.  
96 The State Disbursement Unit shall notify obligees of electronic  
97 disbursement options ~~and encourage their use through promotional~~  
98 ~~material.~~ Any payments made to the State Disbursement Unit which  
99 are owed to the obligee shall be disbursed electronically. The  
100 obligee may designate a personal account for deposit of payments.  
101 If the obligee does not designate a personal account, the State  
102 Disbursement Unit shall deposit any payment into a stored-value  
103 account that can be accessed by the obligee.

104 Section 3. Subsection (1) of section 328.42, Florida  
105 Statutes, is amended to read:

106 328.42 Suspension or denial of a vessel registration due to  
107 support delinquency; dishonored checks.--

108 (1) The department shall work cooperatively with the  
109 Department of Revenue to establish an automated method for  
110 periodically disclosing information relating to current owners of  
111 registered vessels to the Department of Revenue, the state's  
112 Title IV-D agency ~~must allow applicants for new or renewal~~  
113 ~~registrations to be screened by the Department of Revenue, as the~~  
114 ~~Title IV-D child support agency under s. 409.2598 to assure~~  
115 ~~compliance with an obligation for support as defined in s.~~  
116 ~~409.2554, or by a non-IV-D obligee to assure compliance with a~~

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117 ~~child support obligation.~~ The purpose of this subsection ~~section~~  
118 is to promote the public policy of this state relating to child  
119 support as established in s. 409.2551. The department shall ~~must~~,  
120 when directed by the court or the Department of Revenue pursuant  
121 to s. 409.2598, deny or suspend the vessel registration and  
122 suspend the vessel operating privilege of an owner ~~of any~~  
123 ~~applicant~~ found not to be in compliance with a support order,  
124 subpoena, an order to show cause, or a written agreement with the  
125 Department of Revenue ~~to have a delinquent support obligation.~~  
126 The department shall ~~must~~ issue or reinstate a registration and a  
127 privilege to operate when notified by the ~~Title IV-D agency or~~  
128 ~~the court~~ or the Department of Revenue that the owner applicant  
129 has complied with the terms of the support ~~court~~ order. The  
130 department is ~~may~~ not ~~be held~~ liable for any registration denial  
131 or suspension, or suspension of operating privileges, resulting  
132 from the discharge of its duties under this section.

133 Section 4. Present subsections (2), (3), (4), (5), (6),  
134 (7), and (8) of section 409.2558, Florida Statutes, are  
135 renumbered as subsections (3), (4), (5), (6), (7), (8), and (9),  
136 respectively, and a new subsection (2) is added to that section,  
137 to read:

138 409.2558 Support distribution and disbursement.--

139 (2) Any payments made to the obligee in a Title IV-D case  
140 shall be disbursed electronically. The obligee may designate a  
141 personal account for deposit of payments. If the obligee does not  
142 designate a personal account, the State Disbursement Unit shall  
143 deposit any payments into a stored-value account that can be  
144 accessed by the obligee.

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145 Section 5. Paragraph (d) and (e) are added to subsection  
146 (4) of section 409.256, Florida Statutes, to read:

147 409.256 Administrative proceeding to establish paternity or  
148 paternity and child support; order to appear for genetic  
149 testing.--

150 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR  
151 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC TESTING;  
152 MANNER OF SERVICE; CONTENTS.--The Department of Revenue shall  
153 commence a proceeding to determine paternity, or a proceeding to  
154 determine both paternity and child support, by serving the  
155 respondent with a notice as provided in this section. An order to  
156 appear for genetic testing may be served at the same time as a  
157 notice of the proceeding or may be served separately. A copy of  
158 the affidavit or written declaration upon which the proceeding is  
159 based shall be provided to the respondent when notice is served.  
160 A notice or order to appear for genetic testing shall be served  
161 by certified mail, restricted delivery, return receipt requested,  
162 or in accordance with the requirements for service of process in  
163 a civil action. Service by certified mail is completed when the  
164 certified mail is received or refused by the addressee or by an  
165 authorized agent as designated by the addressee in writing. If a  
166 person other than the addressee signs the return receipt, the  
167 department shall attempt to reach the addressee by telephone to  
168 confirm whether the notice was received, and the department shall  
169 document any telephonic communications. If someone other than the  
170 addressee signs the return receipt, the addressee does not  
171 respond to the notice, and the department is unable to confirm  
172 that the addressee has received the notice, service is not  
173 completed and the department shall attempt to have the addressee

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174 served personally. For purposes of this section, an employee or  
175 an authorized agent of the department may serve the notice or  
176 order to appear for genetic testing and execute an affidavit of  
177 service. The department may serve an order to appear for genetic  
178 testing on a custodian. The department shall provide a copy of  
179 the notice or order to appear by regular mail to the mother and  
180 custodian, if they are not respondents.

181 (d) If the putative father is incarcerated, the  
182 correctional facility shall assist the putative father in  
183 complying with an administrative order to appear for genetic  
184 testing issued under this section.

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

187 Section 6. Subsection (9) of section 456.004, Florida  
188 Statutes, is amended to read:

189 456.004 Department; powers and duties.--The department, for  
190 the professions under its jurisdiction, shall:

191 (9) Work cooperatively with the Department of Revenue to  
192 establish an automated method for periodically disclosing  
193 information relating to current licensees to the Department of  
194 Revenue, the state's Title IV-D agency ~~Allow applicants for new~~  
195 ~~or renewal licenses and current licensees to be screened by the~~  
196 ~~Title IV-D child support agency pursuant to s. 409.2598 to assure~~  
197 ~~compliance with a support obligation, as defined in s. 409.2554.~~  
198 The purpose of this subsection is to promote the public policy of  
199 this state relating to child support as established in s.  
200 409.2551. The department shall, when directed by the court or the  
201 Department of Revenue pursuant to s. 409.2598, suspend or deny  
202 the license of any licensee found not to be in compliance with a

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203 support order, a subpoena, an order to show cause, or a written  
204 agreement with the Department of Revenue ~~to have a delinquent~~  
205 ~~support obligation~~. The department shall issue or reinstate the  
206 license without additional charge to the licensee when notified  
207 by the court or the Department of Revenue that the licensee has  
208 complied with the terms of the support ~~court~~ order. The  
209 department is ~~shall~~ not ~~be held~~ liable for any license denial or  
210 suspension resulting from the discharge of its duties under this  
211 subsection.

212 Section 7. Subsection (6) of section 497.167, Florida  
213 Statutes, is amended to read:

214 497.167 Administrative matters.--

215 (6) The department shall allow applicants for new or  
216 renewal licenses and current licensees to be screened by the  
217 Title IV-D child support agency pursuant to s. 409.2598 to ensure  
218 compliance with a support obligation. The purpose of this  
219 subsection is to promote the public policy of this state relating  
220 to child support as established in s. 409.2551. The department  
221 shall, when directed by the court or the Department of Revenue  
222 pursuant to s. 409.2598, suspend or deny the license of any  
223 licensee found not to be in compliance with a support order, a  
224 subpoena, an order to show cause, or a written agreement with the  
225 Department of Revenue ~~to have a delinquent support obligation, as~~  
226 ~~defined in s. 409.2554~~. The department shall issue or reinstate  
227 the license without additional charge to the licensee when  
228 notified by the court or the Department of Revenue that the  
229 licensee has complied with the terms of the support ~~court~~ order.  
230 The department is ~~shall~~ not ~~be held~~ liable for any license denial



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231 or suspension resulting from the discharge of its duties under  
232 this subsection.

233 Section 8. Subsection (3) of section 559.79, Florida  
234 Statutes, is amended to read:

235 559.79 Applications for license or renewal.--

236 (3) The department shall work cooperatively with the  
237 Department of Revenue to establish an automated method for  
238 periodically disclosing information relating to current licensees  
239 to the Department of Revenue, the state's Title IV-D agency ~~allow~~  
240 ~~the Title IV-D child support agency to screen all applicants for~~  
241 ~~new or renewal licenses and current licensees pursuant to s.~~  
242 ~~409.2598 to assure compliance with a support obligation, as~~  
243 ~~defined in s. 409.2554.~~ The purpose of this subsection is to  
244 promote the public policy of this state relating to child support  
245 as established in s. 409.2551. The department shall, when  
246 directed by the court or the Department of Revenue pursuant to s.  
247 409.2598, suspend or deny the license of any licensee found not  
248 to be in compliance with a support order, a subpoena, an order to  
249 show cause, or a written agreement with the Department of Revenue  
250 ~~to have a delinquent support obligation.~~ The department shall  
251 issue or reinstate the license without additional charge to the  
252 licensee when notified by the court or the Department of Revenue  
253 that the licensee has complied with the terms of the support  
254 ~~court~~ order. The department is ~~shall~~ not be liable for any  
255 license denial or suspension resulting from the discharge of its  
256 duties under this subsection.

257 Section 9. Subsection (3) of section 1012.21, Florida  
258 Statutes, is amended to read:

259 1012.21 Department of Education duties; K-12 personnel.--

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260 (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE TO  
261 CHILD SUPPORT DELINQUENCY.--The Department of Education shall  
262 work cooperatively with the Department of Revenue to establish an  
263 automated method for periodically disclosing information relating  
264 to individuals who hold a certificate pursuant to s. 1012.56 or  
265 s. 1012.57 to the Department of Revenue, the state's Title IV-D  
266 agency allow applicants for new or renewal certificates and  
267 renewal certificateholders to be screened by the Title IV-D child  
268 support agency pursuant to s. 409.2598 to assure compliance with  
269 an obligation for support, as defined in s. 409.2554. The purpose  
270 of this section is to promote the public policy of this state  
271 relating to child support as established in s. 409.2551. The  
272 department shall, when directed by the court or the Department of  
273 Revenue pursuant to s. 409.2598, deny or suspend the application  
274 of any applicant found not to be in compliance with a support  
275 order, a subpoena, an order to show cause, or a written agreement  
276 with the Department of Revenue to have a delinquent support  
277 obligation. The department shall issue or reinstate the  
278 certificate without additional charge to the certificateholder  
279 when notified by the court or the Department of Revenue that the  
280 certificateholder has complied with the terms of the support  
281 ~~court~~ order. The department is ~~shall not be held~~ liable for any  
282 certificate denial or suspension resulting from the discharge of  
283 its duties under this section.

284 Section 10. Subsection (1) and paragraph (a) of subsection  
285 (4) of section 1012.795, Florida Statutes, are amended to read:  
286 1012.795 Education Practices Commission; authority to  
287 discipline.--

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288 (1) The Education Practices Commission may suspend the  
289 educator certificate of any person as defined in s. 1012.01(2) or  
290 (3) for up to a period of time not to exceed 5 years, thereby  
291 denying that person the right to teach or otherwise be employed  
292 by a district school board or public school in any capacity  
293 requiring direct contact with students for that period of time,  
294 after which the holder may return to teaching as provided in  
295 subsection (4); may revoke the educator certificate of any  
296 person, thereby denying that person the right to teach or  
297 otherwise be employed by a district school board or public school  
298 in any capacity requiring direct contact with students for up to  
299 ~~a period of time not to exceed~~ 10 years, with reinstatement  
300 subject to the provisions of subsection (4); may revoke  
301 permanently the educator certificate of any person thereby  
302 denying that person the right to teach or otherwise be employed  
303 by a district school board or public school in any capacity  
304 requiring direct contact with students; may suspend the educator  
305 certificate, upon an order of the court or notice by the  
306 Department of Revenue relating to the payment of child support,  
307 ~~of any person found to have a delinquent child support~~  
308 ~~obligation~~; or may impose any other penalty provided by law,  
309 provided it can be shown that the person:

310 (a) Obtained or attempted to obtain an educator certificate  
311 by fraudulent means.

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

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

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

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

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

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

325 (h) Has been the subject of a court order or notice by the  
326 Department of Revenue pursuant to s. 409.2598 directing the  
327 Education Practices Commission to suspend the certificate as a  
328 result of noncompliance with a child support order, a subpoena,  
329 an order to show cause, or a written agreement with the  
330 Department of Revenue ~~a delinquent child support obligation.~~

331 (i) Has violated the Principles of Professional Conduct for  
332 the Education Profession prescribed by State Board of Education  
333 rules.

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

336 (k) Has violated any order of the Education Practices  
337 Commission.

338 (l) Has been the subject of a court order or plea agreement  
339 in any jurisdiction which requires the certificateholder to  
340 surrender or otherwise relinquish his or her educator's  
341 certificate. A surrender or relinquishment shall be for permanent  
342 revocation of the certificate. A person may not surrender or  
343 otherwise relinquish his or her certificate prior to a finding of  
344 probable cause by the commissioner as provided in s. 1012.796.

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345           (4) (a) An educator certificate that ~~which~~ has been  
346 suspended under this section is automatically reinstated at the  
347 end of the suspension period, provided the certificate did not  
348 expire during the period of suspension. If the certificate  
349 expired during the period of suspension, the holder of the former  
350 certificate may secure a new certificate by making application  
351 therefor and by meeting the certification requirements of the  
352 state board current at the time of the application for the new  
353 certificate. An educator certificate suspended pursuant to  
354 paragraph (1) (g) a court order for a delinquent child support  
355 ~~obligation~~ may ~~only~~ be reinstated only upon notice from the court  
356 or the Department of Revenue that the party has complied with the  
357 terms of the support court order, subpoena, order to show cause,  
358 or written agreement.

359           Section 11. Section 409.25645, Florida Statutes, is  
360 repealed.

361           Section 12. This act shall take effect upon becoming a law.