

By the Committees on Judiciary; Children, Families, and Elder Affairs; and Senators Storms and Lynn

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