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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RS	.	
4/1/2008	.	
	.	
	.	

1 The Committee on Children, Families, and Elder Affairs (Lynn)
 2 recommended the following **amendment**:

3
 4 **Senate Amendment (with title amendments)**

5 Delete lines 1987 through 2728

6 and insert:

7 Section 21. Paragraph (a) of subsection (1), paragraphs (b),
 8 (c), (d), and (f) of subsection (2), subsection (4), paragraphs
 9 (a) and (c) of subsection (5), subsection (6), paragraphs (b),
 10 (c), (d), and (e) of subsection (7), paragraphs (a) and (b) of
 11 subsection (10), and subsections (13) and (17) of section
 12 409.2563, Florida Statutes, are amended to read:

13 409.2563 Administrative establishment of child support
 14 obligations.--

15 (1) DEFINITIONS.--As used in this section, the term:

16 (a) "Administrative support order" means a final order
 17 rendered by or on behalf of the department pursuant to this



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18 section establishing or modifying the obligation of a
19 ~~noncustodial~~ parent to contribute to the support and maintenance
20 of his or her child or children, which may include provisions for
21 monetary support, retroactive support, health care, and other
22 elements of support pursuant to chapter 61.

23 (2) PURPOSE AND SCOPE.--

24 (b) The administrative procedure set forth in this section
25 concerns only the establishment of child support obligations.
26 This section does not grant jurisdiction to the department or the
27 Division of Administrative Hearings to hear or determine issues
28 of dissolution of marriage, separation, alimony or spousal
29 support, termination of parental rights, dependency, disputed
30 paternity, except for a determination of paternity as provided in
31 s. 409.256, award of or change of time-sharing ~~custody, or~~
32 ~~visitation~~. This paragraph notwithstanding, the department and
33 the Division of Administrative Hearings may make findings of fact
34 that are necessary for a proper determination of a ~~noncustodial~~
35 parent's support obligation as authorized by this section.

36 (c) If there is no support order for a child in a Title IV-
37 D case whose paternity has been established or is presumed by
38 law, or whose paternity is the subject of a proceeding under s.
39 409.256, the department may establish a ~~the noncustodial~~ parent's
40 child support obligation pursuant to this section, s. 61.30, and
41 other relevant provisions of state law. The ~~noncustodial~~ parent's
42 obligation determined by the department may include any
43 obligation to pay retroactive support and any obligation to
44 provide for health care for a child, whether through insurance
45 coverage, reimbursement of expenses, or both. The department may
46 proceed on behalf of:



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47 1. An applicant or recipient of public assistance, as
48 provided by ss. 409.2561 and 409.2567;

49 2. A former recipient of public assistance, as provided by
50 s. 409.2569;

51 3. An individual who has applied for services as provided
52 by s. 409.2567;

53 4. Itself or the child, as provided by s. 409.2561; or

54 5. A state or local government of another state, as
55 provided by chapter 88.

56 (d) Either parent, or a caretaker relative if applicable,
57 may at any time file a civil action in a circuit court having
58 jurisdiction and proper venue to determine parental support
59 obligations ~~the noncustodial parent's child support obligations~~,
60 if any. A support order issued by a circuit court prospectively
61 supersedes an administrative support order rendered by the
62 department.

63 (f) The department shall terminate the administrative
64 proceeding and file an action in circuit court to determine
65 support if within 20 days after receipt of the initial notice the
66 ~~noncustodial~~ parent from whom support is being sought requests in
67 writing that the department proceed in circuit court or states in
68 writing his or her ~~the noncustodial parent's~~ intention to address
69 issues concerning custody or rights to parental contact in court
70 and if within 10 days after receipt of the department's petition
71 and waiver of service the ~~noncustodial~~ parent from whom support
72 is being sought signs and returns the waiver of service form to
73 the department.

74 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
75 SUPPORT ORDER.--To commence a proceeding under this section, the
76 department shall provide to the ~~custodial~~ parent from whom



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77 support is not being sought and serve the ~~noncustodial~~ parent
78 from whom support is being sought with a notice of proceeding to
79 establish administrative support order and a blank financial
80 affidavit form. The notice must state:

81 (a) The names of both parents, the name of the caretaker
82 relative, if any, and the name and date of birth of the child or
83 children;

84 (b) That the department intends to establish an
85 administrative support order as defined in this section;

86 (c) That both parents must submit a completed financial
87 affidavit to the department within 20 days after receiving the
88 notice, as provided by paragraph (13) (a);

89 (d) That both parents, or parent and caretaker relative if
90 applicable, are required to furnish to the department information
91 regarding their identities and locations, as provided by
92 paragraph (13) (b);

93 (e) That both parents, or parent and caretaker relative if
94 applicable, are required to promptly notify the department of any
95 change in their mailing addresses to ensure receipt of all
96 subsequent pleadings, notices, and orders, as provided by
97 paragraph (13) (c);

98 (f) That the department will calculate support obligations
99 based on the child support guidelines schedule in s. 61.30 and
100 using all available information, as provided by paragraph (5) (a),
101 and will incorporate such obligations into a proposed
102 administrative support order;

103 (g) That the department will send by regular mail to both
104 parents, or parent and caretaker relative if applicable, a copy
105 of the proposed administrative support order, the department's



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106 child support worksheet, and any financial affidavits submitted
107 by a parent or prepared by the department;

108 (h) That the ~~noncustodial~~ parent from whom support is being
109 sought may file a request for a hearing in writing within 20 days
110 after the date of mailing or other service of the proposed
111 administrative support order or will be deemed to have waived the
112 right to request a hearing;

113 (i) That if the ~~noncustodial~~ parent from whom support is
114 being sought does not file a timely request for hearing after
115 service of the proposed administrative support order, the
116 department will issue an administrative support order that
117 incorporates the findings of the proposed administrative support
118 order, and will send by regular mail a copy of the administrative
119 support order to both parents, or parent and caretaker relative
120 if applicable;

121 (j) That after an administrative support order is rendered,
122 the department will file a copy of the order with the clerk of
123 the circuit court;

124 (k) That after an administrative support order is rendered,
125 the department may enforce the administrative support order by
126 any lawful means;

127 (l) That either parent, or caretaker relative if
128 applicable, may file at any time a civil action in a circuit
129 court having jurisdiction and proper venue to determine parental
130 support obligations ~~the noncustodial parent's child support~~
131 ~~obligations~~, if any, and that a support order issued by a circuit
132 court supersedes an administrative support order rendered by the
133 department;

134 (m) That, neither the department nor the Division of
135 Administrative Hearings has jurisdiction to award or change child



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136 custody or rights of parental contact or time-sharing and these
137 issues may only be addressed in circuit court.

138 1. The parent from whom support is being sought
139 ~~noncustodial parent~~ may request in writing that the department
140 proceed in circuit court to determine his or her support
141 obligations.

142 2. The parent from whom support is being sought
143 ~~noncustodial parent~~ may state in writing to the department his or
144 her intention to address issues concerning custody or rights to
145 parental contact in circuit court.

146 3. If the parent from whom support is being sought
147 ~~noncustodial parent~~ submits the request authorized in
148 subparagraph 1., or the statement authorized in subparagraph 2.
149 to the department within 20 days after the receipt of the initial
150 notice, the department shall file a petition in circuit court for
151 the determination of the ~~noncustodial~~ parent's child support
152 obligations, and shall send to the parent from whom support is
153 being sought ~~noncustodial parent~~ a copy of its petition, a notice
154 of commencement of action, and a request for waiver of service of
155 process as provided in the Florida Rules of Civil Procedure.

156 4. If, within 10 days after receipt of the department's
157 petition and waiver of service, the parent from whom support is
158 being sought ~~noncustodial parent~~ signs and returns the waiver of
159 service form to the department, the department shall terminate
160 the administrative proceeding without prejudice and proceed in
161 circuit court.

162 5. In any circuit court action filed by the department
163 pursuant to this paragraph or filed by a parent from whom support
164 is being sought ~~noncustodial parent~~ or other person pursuant to
165 paragraph (1) or paragraph (n), the department shall be a party



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166 only with respect to those issues of support allowed and
167 reimbursable under Title IV-D of the Social Security Act. It is
168 the responsibility of the parent from whom support is being
169 sought ~~noncustodial parent~~ or other person to take the necessary
170 steps to present other issues for the court to consider.

171 (n) That if the parent from whom support is being sought
172 ~~noncustodial parent~~ files an action in circuit court and serves
173 the department with a copy of the petition within 20 days after
174 being served notice under this subsection, the administrative
175 process ends without prejudice and the action must proceed in
176 circuit court;

177 (o) Information provided by the Office of State Courts
178 Administrator concerning the availability and location of self-
179 help programs for those who wish to file an action in circuit
180 court but who cannot afford an attorney.

181
182 The department may serve the notice of proceeding to establish
183 administrative support order by certified mail, restricted
184 delivery, return receipt requested. Alternatively, the department
185 may serve the notice by any means permitted for service of
186 process in a civil action. For purposes of this section, an
187 authorized employee of the department may serve the notice and
188 execute an affidavit of service. Service by certified mail is
189 completed when the certified mail is received or refused by the
190 addressee or by an authorized agent as designated by the
191 addressee in writing. If a person other than the addressee signs
192 the return receipt, the department shall attempt to reach the
193 addressee by telephone to confirm whether the notice was
194 received, and the department shall document any telephonic
195 communications. If someone other than the addressee signs the



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196 return receipt, the addressee does not respond to the notice, and
197 the department is unable to confirm that the addressee has
198 received the notice, service is not completed and the department
199 shall attempt to have the addressee served personally. The
200 department shall provide the ~~custodial~~ parent from whom support
201 is not being sought or caretaker relative with a copy of the
202 notice by regular mail to the last known address of the ~~custodial~~
203 parent from whom support is not being sought or caretaker.

204 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

205 (a) After serving notice upon a ~~the noncustodial~~ parent in
206 accordance with subsection (4), the department shall calculate
207 that ~~the noncustodial~~ parent's child support obligation under the
208 child support guidelines schedule as provided by s. 61.30, based
209 on any timely financial affidavits received and other information
210 available to the department. If either parent fails to comply
211 with the requirement to furnish a financial affidavit, the
212 department may proceed on the basis of information available from
213 any source, if such information is sufficiently reliable and
214 detailed to allow calculation of guideline schedule amounts under
215 s. 61.30. If a ~~the custodial~~ parent receives public assistance
216 and fails to submit a financial affidavit, the department may
217 submit a financial affidavit for that ~~the custodial~~ parent
218 pursuant to s. 61.30(15). If there is a lack of sufficient
219 reliable information concerning a parent's actual earnings for a
220 current or past period, it shall be presumed for the purpose of
221 establishing a support obligation that the parent had an earning
222 capacity equal to the federal minimum wage during the applicable
223 period.



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224 (c) The department shall provide a notice of rights with
225 the proposed administrative support order, which notice must
226 inform the noncustodial parent that:

227 1. The ~~noncustodial~~ parent from whom support is being
228 sought may, within 20 days after the date of mailing or other
229 service of the proposed administrative support order, request a
230 hearing by filing a written request for hearing in a form and
231 manner specified by the department;

232 2. If the ~~noncustodial~~ parent from whom support is being
233 sought files a timely request for a hearing, the case shall be
234 transferred to the Division of Administrative Hearings, which
235 shall conduct further proceedings and may enter an administrative
236 support order;

237 3. A ~~noncustodial~~ parent from whom support is being sought
238 who fails to file a timely request for a hearing shall be deemed
239 to have waived the right to a hearing, and the department may
240 render an administrative support order pursuant to paragraph
241 (7) (b);

242 4. The ~~noncustodial~~ parent from whom support is being
243 sought may consent in writing to entry of an administrative
244 support order without a hearing;

245 5. The ~~noncustodial~~ parent from whom support is being
246 sought may, within 10 days after the date of mailing or other
247 service of the proposed administrative support order, contact a
248 department representative, at the address or telephone number
249 specified in the notice, to informally discuss the proposed
250 administrative support order and, if informal discussions are
251 requested timely, the time for requesting a hearing will be
252 extended until 10 days after the department notifies the



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253 ~~noncustodial~~ parent that the informal discussions have been
254 concluded; and

255 6. If an administrative support order that establishes a
256 ~~noncustodial~~ parent's support obligation is rendered, whether
257 after a hearing or without a hearing, the department may enforce
258 the administrative support order by any lawful means.

259 (6) HEARING.--If the ~~noncustodial~~ parent from whom support
260 is being sought files a timely request for hearing, the
261 department shall refer the hearing request to the Division of
262 Administrative Hearings. Unless otherwise provided by this
263 section, chapter 120 and the Uniform Rules of Procedure shall
264 govern the conduct of the proceedings. The administrative law
265 judge shall consider all available and admissible information and
266 any presumptions that apply as provided by paragraph (5) (a).

267 (7) ADMINISTRATIVE SUPPORT ORDER.--

268 (b) If the ~~noncustodial~~ parent from whom support is being
269 sought does not file a timely request for a hearing, the
270 ~~noncustodial~~ parent will be deemed to have waived the right to
271 request a hearing.

272 (c) If the ~~noncustodial~~ parent from whom support is being
273 sought waives the right to a hearing, or consents in writing to
274 the entry of an order without a hearing, the department may
275 render an administrative support order.

276 (d) The department shall send by regular mail a copy of the
277 administrative support order, or the final order denying an
278 administrative support order, to both parents, or a parent and
279 caretaker relative if applicable. The ~~noncustodial~~ parent from
280 whom support is being sought shall be notified of the right to
281 seek judicial review of the administrative support order in
282 accordance with s. 120.68.



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283 (e) An administrative support order must comply with s.
284 61.30. The department shall develop a standard form or forms for
285 administrative support orders. An administrative support order
286 must provide and state findings, if applicable, concerning:

287 1. The full name and date of birth of the child or
288 children;

289 2. The name of the ~~noncustodial~~ parent from whom support is
290 being sought and the custodial parent or caretaker relative;

291 3. The ~~noncustodial~~ parent's duty and ability to provide
292 support;

293 4. The amount of the ~~noncustodial~~ parent's monthly support
294 obligation;

295 5. Any obligation to pay retroactive support;

296 6. The ~~noncustodial~~ parent's obligation to provide for the
297 health care needs of each child, whether through insurance
298 coverage, contribution towards the cost of insurance coverage,
299 payment or reimbursement of health care expenses for the child,
300 or any combination thereof;

301 7. The beginning date of any required monthly payments and
302 health care coverage;

303 8. That all support payments ordered must be paid to the
304 Florida State Disbursement Unit as provided by s. 61.1824;

305 9. That the parents, or caretaker relative if applicable,
306 must file with the department when the administrative support
307 order is rendered, if they have not already done so, and update
308 as appropriate the information required pursuant to paragraph
309 (13) (b);

310 10. That both parents, or parent and caretaker relative if
311 applicable, are required to promptly notify the department of any



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312 change in their mailing addresses pursuant to paragraph (13) (c);
313 and

314 11. That if the ~~noncustodial~~ parent ordered to pay support
315 receives unemployment compensation benefits, the payor shall
316 withhold, and transmit to the department, 40 percent of the
317 benefits for payment of support, not to exceed the amount owed.

318
319 An income deduction order as provided by s. 61.1301 must be
320 incorporated into the administrative support order or, if not
321 incorporated into the administrative support order, the
322 department or the Division of Administrative Hearings shall
323 render a separate income deduction order.

324 (10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER
325 SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

326 (a) The obligor ~~A noncustodial parent~~ has the right to seek
327 judicial review of an administrative support order or a final
328 order denying an administrative support order in accordance with
329 s. 120.68. The department has the right to seek judicial review,
330 in accordance with s. 120.68, of an administrative support order
331 or a final order denying an administrative support order entered
332 by an administrative law judge of the Division of Administrative
333 Hearings.

334 (b) An administrative support order rendered under this
335 section has the same force and effect as a court order and may be
336 enforced by any circuit court in the same manner as a support
337 order issued by the court, except for contempt. If the circuit
338 court issues its own order enforcing the administrative support
339 order, the circuit court may enforce its own order by contempt.
340 The presumption of ability to pay and purge contempt established
341 in s. 61.14(5) (a) applies to an administrative support order that



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342 includes a finding of present ability to pay. Enforcement by the
343 court, without any change by the court in the support obligations
344 established in the administrative support order, does not
345 supersede the administrative support order or affect the
346 department's authority to modify the administrative support order
347 as provided by subsection (12). An order by the court that
348 requires a ~~the noncustodial~~ parent to make periodic payments on
349 arrearages does not constitute a change in the support
350 obligations established in the administrative support order and
351 does not supersede the administrative order.

352 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
353 ADDRESS OF RECORD.--In all proceedings pursuant to this section:

354 (a) Each ~~The noncustodial parent and custodial parent~~ must
355 execute and furnish to the department, no later than 20 days
356 after receipt of the notice of proceeding to establish
357 administrative support order, a financial affidavit in the form
358 prescribed by the department. An updated financial affidavit must
359 be executed and furnished to the department at the inception of
360 each proceeding to modify an administrative support order.
361 Caretaker relatives are not required to furnish financial
362 affidavits.

363 (b) Each ~~The noncustodial parent, custodial parent,~~ and
364 caretaker relative if applicable, shall disclose to the
365 department, no later than 20 days after receipt of the notice of
366 proceeding to establish administrative support order, and update
367 as appropriate, information regarding his or her ~~their~~ identity
368 and location, including names he or she is ~~they are~~ known by;
369 social security number ~~numbers~~; residential and mailing
370 addresses; telephone numbers; driver's license numbers; and
371 names, addresses, and telephone numbers of employers. Pursuant to



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372 the federal Personal Responsibility and Work Opportunity
373 Reconciliation Act of 1996, each person must provide his or her
374 social security number in accordance with this section.
375 Disclosure of social security numbers obtained through this
376 requirement shall be limited to the purpose of administration of
377 the Title IV-D program for child support enforcement.

378 (c) Each ~~The noncustodial parent, custodial parent,~~ and
379 caretaker relative, if applicable, have a continuing obligation
380 to promptly inform the department in writing of any change in his
381 or her ~~their~~ mailing address ~~addresses~~ to ensure receipt of all
382 subsequent pleadings, notices, payments, statements, and orders,
383 and receipt is presumed if sent by regular mail to the most
384 recent address furnished by the person.

385 ~~(17) EVALUATION.--The Office of Program Policy Analysis and~~
386 ~~Government Accountability shall conduct an evaluation of the~~
387 ~~statewide implementation of the administrative process for~~
388 ~~establishing child support provided for in this section. This~~
389 ~~evaluation shall examine whether these processes have been~~
390 ~~effectively implemented and administered statewide and are~~
391 ~~operating to the benefit of the children, including, but not~~
392 ~~limited to the ability of Title IV-D parents to easily access the~~
393 ~~court system for necessary court action. The Office of Program~~
394 ~~Policy Analysis and Government Accountability shall submit an~~
395 ~~evaluation report on the statewide implementation of the~~
396 ~~administrative processes for establishing child support by June~~
397 ~~30, 2006.~~

398 Section 22. Subsections (1), (4), and (11) of section
399 409.2564, Florida Statutes, are amended to read:

400 409.2564 Actions for support.--



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401 (1) In each case in which regular support payments are not
402 being made as provided herein, the department shall institute,
403 within 30 days after determination of the obligor's reasonable
404 ability to pay, action as is necessary to secure the obligor's
405 payment of current support and any arrearage which may have
406 accrued under an existing order of support. The department shall
407 notify the program attorney in the judicial circuit in which the
408 recipient resides setting forth the facts in the case, including
409 the obligor's address, if known, and the public assistance case
410 number. Whenever applicable, the procedures established under the
411 provisions of chapter 88, Uniform Interstate Family Support Act,
412 chapter 61, Dissolution of Marriage; Support; Time-sharing
413 ~~Custody~~, chapter 39, Proceedings Relating to Children, chapter
414 984, Children and Families in Need of Services, and chapter 985,
415 Delinquency; Interstate Compact on Juveniles, may govern actions
416 instituted under the provisions of this act, except that actions
417 for support under chapter 39, chapter 984, or chapter 985 brought
418 pursuant to this act shall not require any additional
419 investigation or supervision by the department.

420 (4) Whenever the Department of Revenue has undertaken an
421 action for enforcement of support, the Department of Revenue may
422 enter into an agreement with the obligor for the entry of a
423 judgment determining paternity, if applicable, and for periodic
424 child support payments based on the child support guidelines
425 schedule in s. 61.30. Prior to entering into this agreement, the
426 obligor shall be informed that a judgment will be entered based
427 on the agreement. The clerk of the court shall file the agreement
428 without the payment of any fees or charges, and the court, upon
429 entry of the judgment, shall forward a copy of the judgment to
430 the parties to the action. To encourage out-of-court settlement



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431 and promote support order compliance, if the obligor and the
432 Department of Revenue agree on entry of a support order and its
433 terms, the guideline amount owed for retroactive support that is
434 permanently assigned to the state shall be reduced by 25 percent.

435 (11) The Title IV-D agency shall review child support
436 orders in IV-D cases at least every 3 years upon request by
437 either party, or the agency in cases where there is an assignment
438 of support to the state under s. 414.095(7), and may seek
439 adjustment of the order if appropriate under the guidelines
440 schedule established in s. 61.30. Not less than once every 3
441 years the IV-D agency shall provide notice to the parties subject
442 to the order informing them of their right to request a review
443 and, if appropriate, an adjustment of the child support order.
444 Said notice requirement may be met by including appropriate
445 language in the initial support order or any subsequent orders.

446 Section 23. Paragraph (a) of subsection (2) of section
447 409.25657, Florida Statutes, is amended to read:

448 409.25657 Requirements for financial institutions.--

449 (2) The department shall develop procedures to enter into
450 agreements with financial institutions doing business in the
451 state, in coordination with such financial institutions and with
452 the Federal Parent Locator Service in the case of financial
453 institutions doing business in two or more states, to develop and
454 operate a data match system, using automated data exchanges to
455 the maximum extent feasible, in which each financial institution
456 is required to provide for each calendar quarter the name, record
457 address, social security number or other taxpayer identification
458 number, average daily account balance, and other identifying
459 information for:

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460 (a) Each ~~noncustodial~~ parent who maintains an account at
461 such institution and who owes past due support, as identified by
462 the department by name and social security number or other
463 taxpayer identification number; or

464 Section 24. Subsections (2) and (5) of section 409.25659,
465 Florida Statutes, are amended to read:

466 409.25659 Insurance claim data exchange.--

467 (2) The department shall develop and operate a data match
468 system after consultation with one or more insurers, using
469 automated data exchanges to the maximum extent feasible, in which
470 an insurer may voluntarily provide the department monthly with
471 the name, address, and, if known, date of birth and social
472 security number or other taxpayer identification number for each
473 ~~noncustodial~~ parent who has a claim with the insurer and who owes
474 past due support, and the claim number maintained by the insurer
475 for each claim. An insurer may provide such data by:

476 (a) Authorizing an insurance claim data collection
477 organization, to which the insurer subscribes and to which the
478 insurer submits the required claim data on at least a monthly
479 basis, to:

480 1. Receive or access a data file from the department and
481 conduct a data match of all ~~noncustodial~~ parents who have a claim
482 with the insurer and who owe past due support and submit the
483 required data for each such ~~noncustodial~~ parent to the
484 department; or

485 2. Submit a data file to the department which contains the
486 required data for each claim being maintained by the insurer for
487 the department to conduct a data match;

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488 (b) Providing the required data for each claim being
489 maintained by the insurer directly to the department in an
490 electronic medium; or

491 (c) Receiving or accessing a data file from the department
492 and conducting a data match of all ~~noncustodial~~ parents who have
493 a claim with the insurer and who owe past due support and
494 submitting the required data for each such ~~noncustodial~~ parent to
495 the department.

496 (5) The department and insurers may only use the data
497 obtained pursuant to subsection (2) for the purpose of
498 identifying ~~noncustodial~~ parents who owe past due support. If the
499 department does not match such data with a ~~noncustodial~~ parent
500 who owes past due support, such data shall be destroyed
501 immediately and shall not be maintained by the department.

502 Section 25. Section 409.2577, Florida Statutes, is amended
503 to read:

504 409.2577 Parent locator service.--The department shall
505 establish a parent locator service to assist in locating parents
506 who have deserted their children and other persons liable for
507 support of dependent children. The department shall use all
508 sources of information available, including the Federal Parent
509 Locator Service, and may request and shall receive information
510 from the records of any person or the state or any of its
511 political subdivisions or any officer thereof. Any agency as
512 defined in s. 120.52, any political subdivision, and any other
513 person shall, upon request, provide the department any
514 information relating to location, salary, insurance, social
515 security, income tax, and employment history necessary to locate
516 parents who owe or potentially owe a duty of support pursuant to
517 Title IV-D of the Social Security Act. This provision shall



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518 expressly take precedence over any other statutory nondisclosure
519 provision which limits the ability of an agency to disclose such
520 information, except that law enforcement information as provided
521 in s. 119.071(4)(d) is not required to be disclosed, and except
522 that confidential taxpayer information possessed by the
523 Department of Revenue shall be disclosed only to the extent
524 authorized in s. 213.053(16). Nothing in this section requires
525 the disclosure of information if such disclosure is prohibited by
526 federal law. Information gathered or used by the parent locator
527 service is confidential and exempt from the provisions of s.
528 119.07(1). Additionally, the department is authorized to collect
529 any additional information directly bearing on the identity and
530 whereabouts of a person owing or asserted to be owing an
531 obligation of support for a dependent child. The department
532 shall, upon request, make information available only to public
533 officials and agencies of this state; political subdivisions of
534 this state, including any agency thereof providing child support
535 enforcement services to non-Title IV-D clients; the ~~custodial~~
536 parent owed support, legal guardian, attorney, or agent of the
537 child; and other states seeking to locate parents who have
538 deserted their children and other persons liable for support of
539 dependents, for the sole purpose of establishing, modifying, or
540 enforcing their liability for support, and shall make such
541 information available to the Department of Children and Family
542 Services for the purpose of diligent search activities pursuant
543 to chapter 39. If the department has reasonable evidence of
544 domestic violence or child abuse and the disclosure of
545 information could be harmful to the ~~custodial~~ parent owed support
546 or the child of such parent, the child support program director
547 or designee shall notify the Department of Children and Family

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548 Services and the Secretary of the United States Department of
549 Health and Human Services of this evidence. Such evidence is
550 sufficient grounds for the department to disapprove an
551 application for location services.

552 Section 26. Paragraph (e) of subsection (1) of section
553 409.2579, Florida Statutes, is amended to read:

554 409.2579 Safeguarding Title IV-D case file information.--

555 (1) Information concerning applicants for or recipients of
556 Title IV-D child support services is confidential and exempt from
557 the provisions of s. 119.07(1). The use or disclosure of such
558 information by the IV-D program is limited to purposes directly
559 connected with:

560 (e) Mandatory disclosure of identifying and location
561 information as provided in s. 61.13(7)~~(8)~~ by the IV-D program
562 when providing Title IV-D services.

563 Section 27. Subsection (11) of section 409.811, Florida
564 Statutes, is amended to read:

565 409.811 Definitions relating to Florida Kidcare Act.--As
566 used in ss. 409.810-409.820, the term:

567 (11) "Family" means the group or the individuals whose
568 income is considered in determining eligibility for the Florida
569 Kidcare program. The family includes a child with a ~~custodial~~
570 parent or caretaker relative who resides in the same house or
571 living unit or, in the case of a child whose disability of nonage
572 has been removed under chapter 743, the child. The family may
573 also include other individuals whose income and resources are
574 considered in whole or in part in determining eligibility of the
575 child.

576 Section 28. Subsection (5) of section 414.0252, Florida
577 Statutes, is amended to read:

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578 414.0252 Definitions.--As used in ss. 414.025-414.55, the
579 term:

580 (5) "Family" means the assistance group or the individuals
581 whose needs, resources, and income are considered when
582 determining eligibility for temporary assistance. The family for
583 purposes of temporary assistance includes the minor child, a
584 ~~custodial~~ parent, or caretaker relative who resides in the same
585 house or living unit. The family may also include individuals
586 whose income and resources are considered in whole or in part in
587 determining eligibility for temporary assistance but whose needs,
588 due to federal or state restrictions, are not considered. These
589 individuals include, but are not limited to, ineligible
590 noncitizens or sanctioned individuals.

591 Section 29. Paragraph (a) of subsection (4) and subsection
592 (5) of section 414.065, Florida Statutes, are amended to read:

593 414.065 Noncompliance with work requirements.--

594 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless
595 otherwise provided, the situations listed in this subsection
596 shall constitute exceptions to the penalties for noncompliance
597 with participation requirements, except that these situations do
598 not constitute exceptions to the applicable time limit for
599 receipt of temporary cash assistance:

600 (a) Noncompliance related to child care.--Temporary cash
601 assistance may not be terminated for refusal to participate in
602 work activities if the individual is a single ~~custodial~~ parent
603 caring for a child who has not attained 6 years of age, and the
604 adult proves to the regional workforce board an inability to
605 obtain needed child care for one or more of the following
606 reasons, as defined in the Child Care and Development Fund State
607 Plan required by 45 C.F.R. part 98:



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608 1. Unavailability of appropriate child care within a
609 reasonable distance from the individual's home or worksite.

610 2. Unavailability or unsuitability of informal child care
611 by a relative or under other arrangements.

612 3. Unavailability of appropriate and affordable formal
613 child care arrangements.

614 (5) WORK ACTIVITY REQUIREMENTS FOR ~~NONCUSTODIAL~~ PARENTS.--

615 (a) The court may order a ~~noncustodial~~ parent who is
616 delinquent in support payments, pursuant to the terms of a
617 support order, to participate in work activities under this
618 chapter, or as provided in s. 61.14(5)(b), so that the parent may
619 obtain employment and fulfill the obligation to provide support
620 payments. A ~~noncustodial~~ parent who fails to satisfactorily
621 engage in court-ordered work activities may be held in contempt.

622 (b) The court may order a ~~noncustodial~~ parent to
623 participate in work activities under this chapter if the child of
624 the ~~noncustodial~~ parent has been placed with a relative, in an
625 emergency shelter, in foster care, or in other substitute care,
626 and:

627 1. The case plan requires the ~~noncustodial~~ parent to
628 participate in work activities; or

629 2. The ~~noncustodial~~ parent would be eligible to participate
630 in work activities and subject to work activity requirements if
631 the child were living with the parent.

632
633 If a ~~noncustodial~~ parent fails to comply with the case plan, the
634 ~~noncustodial~~ parent may be removed from program participation.

635 Section 30. Paragraph (c) of subsection (1) of section
636 414.085, Florida Statutes, is amended to read:

637 414.085 Income eligibility standards.--



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638 (1) For purposes of program simplification and effective
639 program management, certain income definitions, as outlined in
640 the food stamp regulations at 7 C.F.R. s. 273.9, shall be applied
641 to the temporary cash assistance program as determined by the
642 department to be consistent with federal law regarding temporary
643 cash assistance and Medicaid for needy families, except as to the
644 following:

645 (c) The first \$50 of child support paid to a ~~custodial~~
646 parent receiving temporary cash assistance may not be disregarded
647 in calculating the amount of temporary cash assistance for the
648 family, unless such exclusion is required by federal law.

649 Section 31. Subsection (2) and paragraph (a) of subsection
650 (6) of section 414.095, Florida Statutes, are amended to read:

651 414.095 Determining eligibility for temporary cash
652 assistance.--

653 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

654 (a) To be eligible for services or temporary cash
655 assistance and Medicaid:

656 1. An applicant must be a United States citizen, or a
657 qualified noncitizen, as defined in this section.

658 2. An applicant must be a legal resident of the state.

659 3. Each member of a family must provide to the department
660 the member's social security number or shall provide proof of
661 application for a social security number. An individual who fails
662 to provide a social security number, or proof of application for
663 a social security number, is not eligible to participate in the
664 program.

665 4. A minor child must reside with a ~~custodial~~ parent or
666 parents, with a relative caretaker who is within the specified
667 degree of blood relationship as defined by 45 C.F.R. part 233,



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668 or, if the minor is a teen parent with a child, in a setting
669 approved by the department as provided in subsection (14).

670 5. Each family must have a minor child and meet the income
671 and resource requirements of the program. All minor children who
672 live in the family, as well as the parents of the minor children,
673 shall be included in the eligibility determination unless
674 specifically excluded.

675 (b) The following members of a family are eligible to
676 participate in the program if all eligibility requirements are
677 met:

678 1. A minor child who resides with a ~~custodial~~ parent or
679 other adult caretaker relative.

680 2. The parent of a minor child with whom the child resides.

681 3. The caretaker relative with whom the minor child resides
682 who chooses to have her or his needs and income included in the
683 family.

684 4. Unwed minor children and their children if the unwed
685 minor child lives at home or in an adult-supervised setting and
686 if temporary cash assistance is paid to an alternative payee.

687 5. A pregnant woman.

688 (6) CHILD SUPPORT ENFORCEMENT.--As a condition of
689 eligibility for public assistance, the family must cooperate with
690 the state agency responsible for administering the child support
691 enforcement program in establishing the paternity of the child,
692 if the child is born out of wedlock, and in obtaining support for
693 the child or for the parent or caretaker relative and the child.
694 Cooperation is defined as:

695 (a) Assisting in identifying and locating a ~~noncustodial~~
696 parent who does not live in the same home as the child and
697 providing complete and accurate information on that parent;

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698
699 This subsection does not apply if the state agency that
700 administers the child support enforcement program determines that
701 the parent or caretaker relative has good cause for failing to
702 cooperate.

703 Section 32. Subsection (1) of section 414.295, Florida
704 Statutes, is amended to read:

705 414.295 Temporary cash assistance programs; public records
706 exemption.--

707 (1) Personal identifying information of a temporary cash
708 assistance program participant, a participant's family, or a
709 participant's family or household member, except for information
710 identifying a ~~noncustodial~~ parent who does not live in the same
711 home as the child, held by the department, the Agency for
712 Workforce Innovation, Workforce Florida, Inc., the Department of
713 Health, the Department of Revenue, the Department of Education,
714 or a regional workforce board or local committee created pursuant
715 to s. 445.007 is confidential and exempt from s. 119.07(1) and s.
716 24(a), Art. I of the State Constitution. Such confidential and
717 exempt information may be released for purposes directly
718 connected with:

719 (a) The administration of the temporary assistance for
720 needy families plan under Title IV-A of the Social Security Act,
721 as amended, by the department, the Agency for Workforce
722 Innovation, Workforce Florida, Inc., the Department of Military
723 Affairs, the Department of Health, the Department of Revenue, the
724 Department of Education, a regional workforce board or local
725 committee created pursuant to s. 445.007, or a school district.

726 (b) The administration of the state's plan or program
727 approved under Title IV-B, Title IV-D, or Title IV-E of the

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728 Social Security Act, as amended, or under Title I, Title X, Title
729 XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social
730 Security Act, as amended.

731 (c) Any investigation, prosecution, or any criminal, civil,
732 or administrative proceeding conducted in connection with the
733 administration of any of the plans or programs specified in
734 paragraph (a) or paragraph (b) by a federal, state, or local
735 governmental entity, upon request by that entity, when such
736 request is made pursuant to the proper exercise of that entity's
737 duties and responsibilities.

738 (d) The administration of any other state, federal, or
739 federally assisted program that provides assistance or services
740 on the basis of need, in cash or in kind, directly to a
741 participant.

742 (e) Any audit or similar activity, such as a review of
743 expenditure reports or financial review, conducted in connection
744 with the administration of any of the plans or programs specified
745 in paragraph (a) or paragraph (b) by a governmental entity
746 authorized by law to conduct such audit or activity.

747 (f) The administration of the unemployment compensation
748 program.

749 (g) The reporting to the appropriate agency or official of
750 information about known or suspected instances of physical or
751 mental injury, sexual abuse or exploitation, or negligent
752 treatment or maltreatment of a child or elderly person receiving
753 assistance, if circumstances indicate that the health or welfare
754 of the child or elderly person is threatened.

755 (h) The administration of services to elderly persons under
756 ss. 430.601-430.606.

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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 37 through 46
and insert:

amending s. 409.2563, F.S.; conforming provisions to
changes in terminology; revising provisions relating to
presumption of a parent's income for the purpose of
establishing a support obligation; deleting an obsolete
provision concerning a study by the Office of Program
Policy Analysis and Government Accountability; amending
ss. 409.2564, 409.25657, 409.25659, and 409.2577, F.S.;
conforming provisions to changes in terminology; amending
s. 409.2579, F.S.; conforming a cross-reference; amending
ss. 409.811, 414.0252, 414.065, 414.085, 414.095, 414.295,