



642292

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/1/2008	.	
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1 The Committee on Children, Families, and Elder Affairs (Lynn)
 2 recommended the following **substitute for amendment (550944)**:

Senate Amendment (with title amendments)

Delete lines 1987 through 2728

and insert:

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

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

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



642292

17 (a) "Administrative support order" means a final order
18 rendered by or on behalf of the department pursuant to this
19 section establishing or modifying the obligation of a
20 ~~noncustodial~~ parent to contribute to the support and maintenance
21 of his or her child or children, which may include provisions for
22 monetary support, retroactive support, health care, and other
23 elements of support pursuant to chapter 61.

24 (2) PURPOSE AND SCOPE.--

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

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

Bill No. SB 2532



642292

46 coverage, reimbursement of expenses, or both. The department may
47 proceed on behalf of:

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

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

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

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

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

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

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



642292

75 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
76 SUPPORT ORDER.--To commence a proceeding under this section, the
77 department shall provide to the ~~custodial~~ parent from whom
78 support is not being sought and serve the ~~noncustodial~~ parent
79 from whom support is being sought with a notice of proceeding to
80 establish administrative support order and a blank financial
81 affidavit form. The notice must state:

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

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

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

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

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

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



642292

104 (g) That the department will send by regular mail to both
105 parents, or parent and caretaker relative if applicable, a copy
106 of the proposed administrative support order, the department's
107 child support worksheet, and any financial affidavits submitted
108 by a parent or prepared by the department;

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

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

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

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

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



642292

133 court supersedes an administrative support order rendered by the
134 department;

135 (m) That, neither the department nor the Division of
136 Administrative Hearings has jurisdiction to award or change child
137 custody or rights of parental contact or time-sharing and these
138 issues may only be addressed in circuit court.

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

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

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

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



642292

163 5. In any circuit court action filed by the department
164 pursuant to this paragraph or filed by a parent from whom support
165 is being sought ~~noncustodial parent~~ or other person pursuant to
166 paragraph (l) or paragraph (n), the department shall be a party
167 only with respect to those issues of support allowed and
168 reimbursable under Title IV-D of the Social Security Act. It is
169 the responsibility of the parent from whom support is being
170 sought ~~noncustodial parent~~ or other person to take the necessary
171 steps to present other issues for the court to consider.

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

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

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



642292

193 the return receipt, the department shall attempt to reach the
194 addressee by telephone to confirm whether the notice was
195 received, and the department shall document any telephonic
196 communications. If someone other than the addressee signs the
197 return receipt, the addressee does not respond to the notice, and
198 the department is unable to confirm that the addressee has
199 received the notice, service is not completed and the department
200 shall attempt to have the addressee served personally. The
201 department shall provide the ~~custodial~~ parent from whom support
202 is not being sought or caretaker relative with a copy of the
203 notice by regular mail to the last known address of the ~~custodial~~
204 parent from whom support is not being sought or caretaker.

205 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

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



642292

223 capacity equal to the federal minimum wage during the applicable
224 period.

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

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

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

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

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

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



642292

253 extended until 10 days after the department notifies the
254 ~~noncustodial~~ parent that the informal discussions have been
255 concluded; and

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

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

268 (7) ADMINISTRATIVE SUPPORT ORDER.--

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

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

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

Bill No. SB 2532



642292

282 seek judicial review of the administrative support order in
283 accordance with s. 120.68.

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

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

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

293 3. The ~~noncustodial~~ parent's duty and ability to provide
294 support;

295 4. The amount of the ~~noncustodial~~ parent's monthly support
296 obligation;

297 5. Any obligation to pay retroactive support;

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

303 7. The beginning date of any required monthly payments and
304 health care coverage;

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

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

Bill No. SB 2532



642292

312 10. That both parents, or parent and caretaker relative if
313 applicable, are required to promptly notify the department of any
314 change in their mailing addresses pursuant to paragraph (13)(c);
315 and

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

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

326 (10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER
327 SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

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

336 (b) An administrative support order rendered under this
337 section has the same force and effect as a court order and may be
338 enforced by any circuit court in the same manner as a support
339 order issued by the court, except for contempt. If the circuit
340 court issues its own order enforcing the administrative support
341 order, the circuit court may enforce its own order by contempt.



642292

342 The presumption of ability to pay and purge contempt established
343 in s. 61.14(5) (a) applies to an administrative support order that
344 includes a finding of present ability to pay. Enforcement by the
345 court, without any change by the court in the support obligations
346 established in the administrative support order, does not
347 supersede the administrative support order or affect the
348 department's authority to modify the administrative support order
349 as provided by subsection (12). An order by the court that
350 requires a ~~the noncustodial~~ parent to make periodic payments on
351 arrearages does not constitute a change in the support
352 obligations established in the administrative support order and
353 does not supersede the administrative order.

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

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

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

Bill No. SB 2532



642292

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

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

387 ~~(17) EVALUATION.--The Office of Program Policy Analysis and~~
388 ~~Government Accountability shall conduct an evaluation of the~~
389 ~~statewide implementation of the administrative process for~~
390 ~~establishing child support provided for in this section. This~~
391 ~~evaluation shall examine whether these processes have been~~
392 ~~effectively implemented and administered statewide and are~~
393 ~~operating to the benefit of the children, including, but not~~
394 ~~limited to the ability of Title IV-D parents to easily access the~~
395 ~~court system for necessary court action. The Office of Program~~
396 ~~Policy Analysis and Government Accountability shall submit an~~
397 ~~evaluation report on the statewide implementation of the~~
398 ~~administrative processes for establishing child support by June~~
399 ~~30, 2006.~~

400 Section 22. Subsections (1), (4), and (11) of section
401 409.2564, Florida Statutes, are amended to read:

Bill No. SB 2532



642292

402 409.2564 Actions for support.--

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

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



642292

432 the parties to the action. To encourage out-of-court settlement
433 and promote support order compliance, if the obligor and the
434 Department of Revenue agree on entry of a support order and its
435 terms, the guideline amount owed for retroactive support that is
436 permanently assigned to the state shall be reduced by 25 percent.

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

448 Section 23. Paragraph (a) of subsection (2) of section
449 409.25657, Florida Statutes, is amended to read:

450 409.25657 Requirements for financial institutions.--

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



642292

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

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

468 409.25659 Insurance claim data exchange.--

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

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

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

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



642292

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

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

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

504 Section 25. Section 409.2577, Florida Statutes, is amended
505 to read:

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



642292

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

Bill No. SB 2532



642292

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

554 Section 26. Paragraph (e) of subsection (1) of section
555 409.2579, Florida Statutes, is amended to read:

556 409.2579 Safeguarding Title IV-D case file information.--

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

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

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

567 409.811 Definitions relating to Florida Kidcare Act.--As
568 used in ss. 409.810-409.820, the term:

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

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

Bill No. SB 2532



642292

580 414.0252 Definitions.--As used in ss. 414.025-414.55, the
581 term:

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

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

595 414.065 Noncompliance with work requirements.--

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

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

Bill No. SB 2532



642292

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

612 2. Unavailability or unsuitability of informal child care
613 by a relative or under other arrangements.

614 3. Unavailability of appropriate and affordable formal
615 child care arrangements.

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

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

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

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

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

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

637 Section 30. Paragraph (c) of subsection (1) of section
638 414.085, Florida Statutes, is amended to read:

639 414.085 Income eligibility standards.--

Bill No. SB 2532



642292

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

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

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

653 414.095 Determining eligibility for temporary cash
654 assistance.--

655 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

656 (a) To be eligible for services or temporary cash
657 assistance and Medicaid:

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

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

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

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



642292

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

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

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

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

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

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

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

689 5. A pregnant woman.

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

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

Bill No. SB 2532



642292

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

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

707 414.295 Temporary cash assistance programs; public records
708 exemption.--

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

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

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

Bill No. SB 2532



642292

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

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

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

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

749 (f) The administration of the unemployment compensation
750 program.

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

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

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642292

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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,