

1 A bill to be entitled
2 An act relating to child support enforcement; amending s.
3 61.14, F.S.; requiring payments on child support judgments
4 to be applied first to the current child support due, then
5 to the delinquent principal, and then to any interest on
6 the support judgment; amending s. 61.1824, F.S.; requiring
7 the State Disbursement Unit to disburse payments to
8 obligees electronically; amending s. 328.42, F.S.;
9 requiring the Department of Highway Safety and Motor
10 Vehicles to cooperate with the Department of Revenue in
11 establishing an automated method for disclosing owners of
12 registered vessels to the Department of Revenue;
13 authorizing the Department of Highway Safety and Motor
14 Vehicles to suspend the operating privilege of vessel
15 owners who are not in compliance with orders relating to
16 child support when directed by the Department of Revenue;
17 amending s. 409.2558, F.S.; requiring the State
18 Disbursement Unit to disburse payments to obligees
19 electronically; amending s. 409.256, F.S.; requiring the
20 correctional facility to assist an incarcerated putative
21 father in complying with an administrative order to appear
22 for genetic testing; clarifying that an administrative
23 order for genetic testing has the same force and effect as
24 a court order; amending s. 456.004, F.S.; requiring the
25 Department of Health to cooperate with the Department of
26 Revenue in establishing an automated method for disclosing
27 health practitioner licensees to the Department of
28 Revenue; authorizing the Department of Health to suspend

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

56 relating to administrative orders for genetic testing;
 57 providing an effective date.

58
 59 Be It Enacted by the Legislature of the State of Florida:

60
 61 Section 1. Paragraph (d) of subsection (6) of section
 62 61.14, Florida Statutes, is amended to read:

63 61.14 Enforcement and modification of support,
 64 maintenance, or alimony agreements or orders.--

65 (6)

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

77 Section 2. Paragraph (d) of subsection (3) of section
 78 61.1824, Florida Statutes, is amended to read:

79 61.1824 State Disbursement Unit.--

80 (3) The State Disbursement Unit shall perform the
 81 following functions:

82 (d) To the extent feasible, use automated procedures for
 83 the collection and disbursement of support payments, including,

84 but not limited to, having procedures for:

85 1. Receipt of payments from obligors, employers, other
86 states and jurisdictions, and other entities.

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

89 3. Accurate identification of payment source and amount.

90 4. Furnishing any parent, upon request, timely information
91 on the current status of support payments under an order
92 requiring payments to be made by or to the parent, except that
93 in cases described in paragraph (1)(b), prior to the date the
94 State Disbursement Unit becomes fully operational, the State
95 Disbursement Unit shall not be required to convert and maintain
96 in automated form records of payments kept pursuant to s.
97 61.181.

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

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

110 328.42 Suspension or denial of a vessel registration due
111 to support delinquency; dishonored checks.--

112 (1) The department shall work cooperatively with the
 113 Department of Revenue to establish an automated method for
 114 periodically disclosing information relating to current owners
 115 of registered vessels to the Department of Revenue, the state's
 116 Title IV-D agency ~~must allow applicants for new or renewal~~
 117 ~~registrations to be screened by the Department of Revenue, as~~
 118 ~~the Title IV D child support agency under s. 409.2598 to assure~~
 119 ~~compliance with an obligation for support as defined in s.~~
 120 ~~409.2554, or by a non IV D obligee to assure compliance with a~~
 121 ~~child support obligation.~~ The purpose of this subsection ~~section~~
 122 is to promote the public policy of this state relating to child
 123 support as established in s. 409.2551. The department shall
 124 ~~must~~, when directed by the court or the Department of Revenue
 125 pursuant to s. 409.2598, deny or suspend the vessel registration
 126 and suspend the vessel operating privilege of an owner of any
 127 applicant found not to be in compliance with a support order, a
 128 subpoena, an order to show cause, or a written agreement with
 129 the Department of Revenue ~~to have a delinquent support~~
 130 ~~obligation.~~ The department shall ~~must~~ issue or reinstate a
 131 registration and reinstate the operating privilege when notified
 132 by the ~~Title IV-D agency or the court~~ or the Department of
 133 Revenue that the owner applicant has complied with the terms of
 134 the support ~~court~~ order. The department is ~~may~~ not be held
 135 liable for any registration denial or suspension, or suspension
 136 of operating privileges, resulting from the discharge of its
 137 duties under this section.

138 Section 4. Present subsections (2) through (8) of section
 139 409.2558, Florida Statutes, are renumbered as subsections (3)

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140 through (9), respectively, and a new subsection (2) is added to
141 that section to read:

142 409.2558 Support distribution and disbursement.--

143 (2) DISBURSEMENT OF PAYMENTS.--Any payments made to the
144 State Disbursement Unit that are owed to the obligee in a Title
145 IV-D case shall be disbursed electronically. The obligee may
146 designate a personal account for deposit of payments. If the
147 obligee does not designate a personal account, the State
148 Disbursement Unit shall deposit any payments into a stored value
149 account that can be accessed by the obligee.

150 Section 5. Paragraphs (d) and (e) are added to subsection
151 (4) of section 409.256, Florida Statutes, to read:

152 409.256 Administrative proceeding to establish paternity
153 or paternity and child support; order to appear for genetic
154 testing.--

155 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
156 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
157 TESTING; MANNER OF SERVICE; CONTENTS.--The Department of Revenue
158 shall commence a proceeding to determine paternity, or a
159 proceeding to determine both paternity and child support, by
160 serving the respondent with a notice as provided in this
161 section. An order to appear for genetic testing may be served at
162 the same time as a notice of the proceeding or may be served
163 separately. A copy of the affidavit or written declaration upon
164 which the proceeding is based shall be provided to the
165 respondent when notice is served. A notice or order to appear
166 for genetic testing shall be served by certified mail,
167 restricted delivery, return receipt requested, or in accordance

168 with the requirements for service of process in a civil action.
 169 Service by certified mail is completed when the certified mail
 170 is received or refused by the addressee or by an authorized
 171 agent as designated by the addressee in writing. If a person
 172 other than the addressee signs the return receipt, the
 173 department shall attempt to reach the addressee by telephone to
 174 confirm whether the notice was received, and the department
 175 shall document any telephonic communications. If someone other
 176 than the addressee signs the return receipt, the addressee does
 177 not respond to the notice, and the department is unable to
 178 confirm that the addressee has received the notice, service is
 179 not completed and the department shall attempt to have the
 180 addressee served personally. For purposes of this section, an
 181 employee or an authorized agent of the department may serve the
 182 notice or order to appear for genetic testing and execute an
 183 affidavit of service. The department may serve an order to
 184 appear for genetic testing on a custodian. The department shall
 185 provide a copy of the notice or order to appear by regular mail
 186 to the mother and custodian, if they are not respondents.

187 (d) If the putative father is incarcerated, the
 188 correctional facility shall assist the putative father in
 189 complying with an administrative order to appear for genetic
 190 testing issued under this section.

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

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

195 456.004 Department; powers and duties.--The department,

196 for the professions under its jurisdiction, shall:
 197 (9) Work cooperatively with the Department of Revenue to
 198 establish an automated method for periodically disclosing
 199 information relating to current licensees to the Department of
 200 Revenue, the state's Title IV-D agency ~~Allow applicants for new~~
 201 ~~or renewal licenses and current licensees to be screened by the~~
 202 ~~Title IV D child support agency pursuant to s. 409.2598 to~~
 203 ~~assure compliance with a support obligation, as defined in s.~~
 204 ~~409.2554.~~ The purpose of this subsection is to promote the
 205 public policy of this state relating to child support as
 206 established in s. 409.2551. The department shall, when directed
 207 by the court or the Department of Revenue pursuant to s.
 208 409.2598, suspend or deny the license of any licensee found not
 209 to be in compliance with a support order, a subpoena, an order
 210 to show cause, or a written agreement with the Department of
 211 Revenue to have a delinquent support obligation. The department
 212 shall issue or reinstate the license without additional charge
 213 to the licensee when notified by the court or the Department of
 214 Revenue that the licensee has complied with the terms of the
 215 support ~~court~~ order. The department ~~is~~ shall not ~~be held~~ liable
 216 for any license denial or suspension resulting from the
 217 discharge of its duties under this subsection.

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

220 497.167 Administrative matters.--
 221 (6) The department shall allow applicants for new or
 222 renewal licenses and current licensees to be screened by the
 223 Title IV-D child support agency pursuant to s. 409.2598 to

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224 ensure compliance with a support obligation. The purpose of this
 225 subsection is to promote the public policy of this state
 226 relating to child support as established in s. 409.2551. The
 227 department shall, when directed by the court or the Department
 228 of Revenue pursuant to s. 409.2598, suspend or deny the license
 229 of any licensee found not to be in compliance with a support
 230 order, a subpoena, an order to show cause, or a written
 231 agreement with the Department of Revenue ~~to have a delinquent~~
 232 ~~support obligation, as defined in s. 409.2554.~~ The department
 233 shall issue or reinstate the license without additional charge
 234 to the licensee when notified by the court or the Department of
 235 Revenue that the licensee has complied with the terms of the
 236 support court order. The department ~~is shall not be held~~ liable
 237 for any license denial or suspension resulting from the
 238 discharge of its duties under this subsection.

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

241 559.79 Applications for license or renewal.--

242 (3) The department shall work cooperatively with the
 243 Department of Revenue to establish an automated method for
 244 periodically disclosing information relating to current
 245 licensees to the Department of Revenue, the state's Title IV-D
 246 agency ~~allow the Title IV D child support agency to screen all~~
 247 ~~applicants for new or renewal licenses and current licensees~~
 248 ~~pursuant to s. 409.2598 to assure compliance with a support~~
 249 ~~obligation, as defined in s. 409.2554.~~ The purpose of this
 250 subsection is to promote the public policy of this state
 251 relating to child support as established in s. 409.2551. The

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252 department shall, when directed by the court or the Department
 253 of Revenue pursuant to s. 409.2598, suspend or deny the license
 254 of any licensee found not to be in compliance with a support
 255 order, a subpoena, an order to show cause, or a written
 256 agreement with the Department of Revenue ~~to have a delinquent~~
 257 ~~support obligation~~. The department shall issue or reinstate the
 258 license without additional charge to the licensee when notified
 259 by the court or the Department of Revenue that the licensee has
 260 complied with the terms of the support ~~court~~ order. The
 261 department ~~is~~ shall not be liable for any license denial or
 262 suspension resulting from the discharge of its duties under this
 263 subsection.

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

266 1012.21 Department of Education duties; K-12 personnel.--

267 (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE TO
 268 CHILD SUPPORT DELINQUENCY.--The Department of Education shall
 269 work cooperatively with the Department of Revenue to establish
 270 an automated method for periodically disclosing information
 271 relating to individuals who hold a certificate pursuant to s.
 272 1012.56 or s. 1012.57 to the Department of Revenue, the state's
 273 ~~Title IV-D agency allow applicants for new or renewal~~
 274 ~~certificates and renewal certificateholders to be screened by~~
 275 ~~the Title IV-D child support agency pursuant to s. 409.2598 to~~
 276 ~~assure compliance with an obligation for support, as defined in~~
 277 ~~s. 409.2554~~. The purpose of this section is to promote the
 278 public policy of this state relating to child support as
 279 established in s. 409.2551. The department shall, when directed

280 by the court or the Department of Revenue pursuant to s.
 281 409.2598, deny or suspend the application of any applicant found
 282 not to be in compliance with a support order, a subpoena, an
 283 order to show cause, or a written agreement with the Department
 284 of Revenue ~~to have a delinquent support obligation~~. The
 285 department shall issue or reinstate the certificate without
 286 additional charge to the certificateholder when notified by the
 287 court or the Department of Revenue that the certificateholder
 288 has complied with the terms of the support ~~court~~ order. The
 289 department is ~~shall~~ not ~~be held~~ liable for any certificate
 290 denial or suspension resulting from the discharge of its duties
 291 under this section.

292 Section 10. Subsection (1) and paragraph (a) of subsection
 293 (4) of section 1012.795, Florida Statutes, are amended to read:
 294 1012.795 Education Practices Commission; authority to
 295 discipline.--

296 (1) The Education Practices Commission may suspend the
 297 educator certificate of any person as defined in s. 1012.01(2)
 298 or (3) for up to a period of time not to exceed 5 years, thereby
 299 denying that person the right to teach or otherwise be employed
 300 by a district school board or public school in any capacity
 301 requiring direct contact with students for that period of time,
 302 after which the holder may return to teaching as provided in
 303 subsection (4); may revoke the educator certificate of any
 304 person, thereby denying that person the right to teach or
 305 otherwise be employed by a district school board or public
 306 school in any capacity requiring direct contact with students
 307 for up to a period of time not to exceed 10 years, with

308 reinstatement subject to the provisions of subsection (4); may
 309 revoke permanently the educator certificate of any person
 310 thereby denying that person the right to teach or otherwise be
 311 employed by a district school board or public school in any
 312 capacity requiring direct contact with students; may suspend the
 313 educator certificate, upon an order of the court or notice by
 314 the Department of Revenue relating to the payment of child
 315 support, ~~of any person found to have a delinquent child support~~
 316 ~~obligation~~; or may impose any other penalty provided by law,
 317 provided it can be shown that the person:

318 (a) Obtained or attempted to obtain an educator
 319 certificate by fraudulent means.

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

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

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

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

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

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

333 (h) Has been the subject of a court order or notice by the
 334 Department of Revenue pursuant to s. 409.2598 directing the
 335 Education Practices Commission to suspend the certificate as a

336 result of noncompliance with a child support order, a subpoena,
 337 an order to show cause, or a written agreement with the
 338 Department of Revenue ~~a delinquent child support obligation.~~

339 (i) Has violated the Principles of Professional Conduct
 340 for the Education Profession prescribed by State Board of
 341 Education rules.

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

344 (k) Has violated any order of the Education Practices
 345 Commission.

346 (l) Has been the subject of a court order or plea
 347 agreement in any jurisdiction which requires the
 348 certificateholder to surrender or otherwise relinquish his or
 349 her educator's certificate. A surrender or relinquishment shall
 350 be for permanent revocation of the certificate. A person may not
 351 surrender or otherwise relinquish his or her certificate prior
 352 to a finding of probable cause by the commissioner as provided
 353 in s. 1012.796.

354 (4) (a) An educator certificate that ~~which~~ has been
 355 suspended under this section is automatically reinstated at the
 356 end of the suspension period, provided the certificate did not
 357 expire during the period of suspension. If the certificate
 358 expired during the period of suspension, the holder of the
 359 former certificate may secure a new certificate by making
 360 application therefor and by meeting the certification
 361 requirements of the state board current at the time of the
 362 application for the new certificate. An educator certificate
 363 suspended pursuant to paragraph (1) (h) ~~a court order for a~~

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364 ~~delinquent child support obligation~~ may ~~only~~ be reinstated only
365 upon notice from the court or the Department of Revenue that the
366 party has complied with the terms of the support court order,
367 subpoena, order to show cause, or written agreement.

368 Section 11. Section 409.25645, Florida Statutes, is
369 repealed.

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