

ENROLLED  
HB 7073

2008 Legislature

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

Page 1 of 14

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7073-01-er

ENROLLED  
 HB 7073

2008 Legislature

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.,

ENROLLED  
 HB 7073

2008 Legislature

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,

ENROLLED  
 HB 7073

2008 Legislature

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.--

ENROLLED  
 HB 7073

2008 Legislature

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)

ENROLLED  
 HB 7073

2008 Legislature

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

ENROLLED  
 HB 7073

2008 Legislature

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,

ENROLLED  
 HB 7073

2008 Legislature

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



ENROLLED  
 HB 7073

2008 Legislature

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

ENROLLED  
 HB 7073

2008 Legislature

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

ENROLLED  
 HB 7073

2008 Legislature

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

ENROLLED  
HB 7073

2008 Legislature

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

ENROLLED  
HB 7073

2008 Legislature

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~~

ENROLLED  
HB 7073

2008 Legislature

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.