

By Senator Storms

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1 A bill to be entitled
2 An act relating to child support enforcement; amending
3 s. 61.046, F.S.; defining the term "health insurance"
4 for purposes of provisions establishing and providing
5 for enforcement of medical support obligations in
6 child-support-enforcement cases; amending s. 61.13,
7 F.S.; establishing standards for a presumption of
8 reasonable costs of and accessibility to health
9 insurance; requiring that the court make a written
10 finding before deviating from the presumed reasonable
11 cost; amending s. 61.1301, F.S.; conforming a
12 provision to changes made by the act; amending s.
13 409.2554, F.S.; defining the term "health insurance"
14 for purposes of provisions establishing and providing
15 for the enforcement of medical support obligations in
16 child-support-enforcement cases that received services
17 under the Social Security Act; amending s. 409.256,
18 F.S.; conforming a cross-reference; amending s.
19 409.2561, F.S.; requiring the Department of Revenue
20 rather than the IV-D agency, to obtain medical support
21 information for Medicaid recipients and applicants, to
22 provide health insurance policy information to the
23 state Medicaid agency, and to be notified by the
24 Medicaid agency about the discontinuance of health
25 insurance; amending s. 409.2563, F.S.; conforming
26 provisions to changes made by the act; defining the
27 term "caretaker"; deleting the term "caretaker
28 relative"; revising requirements for the notice of
29 proceeding to establish an administrative support

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30 order and a financial affidavit form; requiring the
31 department to refer the child-support proceeding to
32 the Division of Administrative Hearings if the
33 department determines that an evidentiary hearing is
34 appropriate; amending s. 409.25635, F.S.; authorizing
35 the department to collect noncovered medical expenses
36 in installments; amending s. 409.2564, F.S.;

37 authorizing the Department of Revenue to reduce the
38 amount owed for retroactive support that is
39 permanently assigned to the state, effective on a
40 specified date; revising the procedures for reviewing
41 and modifying a child support order; authorizing the
42 court to modify a support order without a hearing
43 under certain circumstances; amending s. 409.2567,
44 F.S.; authorizing the Department of Revenue to seek a
45 waiver from the Secretary of the United States
46 Department of Health and Human Services to authorize
47 the Department of Revenue to provide services in
48 accordance with Title IV-D of the Social Security Act
49 to individuals who are owed support without need of an
50 application; amending s. 409.2572, F.S.; conforming a
51 cross-reference; amending s. 409.2576, F.S.;

52 conforming provisions to changes made by the act;
53 amending s. 409.259, F.S.; extending the date to
54 implement the electronic filing of pleadings and other
55 papers with the clerks of the circuit court in Title
56 IV-D cases; amending s. 409.910, F.S.; requiring the
57 Agency for Health Care Administration to provide
58 certain information to the Department of Revenue for

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59 purposes of administering the state Title IV-D
60 program; amending s. 414.095, F.S.; clarifying that a
61 family must assign to the Department of Revenue any
62 rights to support from any other person in order to
63 receive temporary cash assistance; providing effective
64 dates.

65

66 Be It Enacted by the Legislature of the State of Florida:

67

68 Section 1. Present subsections (7) through (22) of section
69 61.046, Florida Statutes, are renumbered as subsections (8)
70 through (23), respectively, and a new subsection (7) is added to
71 that section, to read:

72 61.046 Definitions.—As used in this chapter, the term:

73 (7) "Health insurance" means coverage under a fee-for-
74 service arrangement, health maintenance organization, or
75 preferred provider organization, and other types of coverage
76 available to either parent, under which medical services could
77 be provided to a dependent child.

78 Section 2. Paragraph (b) of subsection (1) of section

79 61.13, Florida Statutes, is amended to read:

80 61.13 Support of children; parenting and time-sharing;
81 powers of court.—

82 (1)

83 (b) Each order for support shall contain a provision for
84 health insurance ~~care coverage~~ for the minor child when health
85 insurance ~~the coverage~~ is reasonable in cost and accessible to
86 the child ~~reasonably available~~. Health insurance is presumed to
87 be reasonable in cost if the incremental cost of adding health

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88 insurance for the child or children does not exceed 5 percent of
89 the gross income, as defined in s. 61.30, of the parent
90 responsible for providing health insurance. Health insurance is
91 accessible to the child if the health insurance is available to
92 be used in the county of the child's primary residence or in
93 another county if the parent who has the most time under the
94 time-sharing plan agrees. If the time-sharing plan provides for
95 equal time-sharing, health insurance is accessible to the child
96 if the health insurance is available to be used in either county
97 where the child resides or in another county if both parents
98 agree. Coverage is reasonably available if either the obligor or
99 obligee has access at a reasonable rate to a group health plan.
100 The court may require the obligor ~~either~~ to provide health
101 insurance ~~care coverage~~ or to reimburse the obligee for the cost
102 of health insurance ~~care coverage~~ for the minor child when
103 coverage is provided by the obligee. The presumption of
104 reasonable cost may be rebutted by evidence of any of the
105 factors in s. 61.30(11)(a). The court may deviate from what is
106 presumed reasonable in cost only upon a written finding
107 explaining its determination why ordering or not ordering the
108 provision of health insurance or the reimbursement of the
109 obligee's cost for providing health insurance for the minor
110 child would be unjust or inappropriate. In any ~~either~~ event, the
111 court shall apportion the cost of health insurance ~~coverage~~, and
112 any noncovered medical, dental, and prescription medication
113 expenses of the child, to both parties by adding the cost to the
114 basic obligation determined pursuant to s. 61.30(6). The court
115 may order that payment of noncovered ~~uncovered~~ medical, dental,
116 and prescription medication expenses of the minor child be made

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117 directly to the obligee on a percentage basis. In a proceeding
118 for medical support only, each parent's share of the child's
119 health insurance and noncovered medical expenses shall equal the
120 parent's percentage share of the combined net income of the
121 parents. The percentage share shall be calculated by dividing
122 each parent's net monthly income by the combined monthly net
123 income of both parents. Net income is calculated as specified by
124 s. 61.30(3) and (4).

125 1. In a non-Title IV-D case, a copy of the court order for
126 health insurance ~~care coverage~~ shall be served on the obligor's
127 union or employer by the obligee when the following conditions
128 are met:

129 a. The obligor fails to provide written proof to the
130 obligee within 30 days after receiving effective notice of the
131 court order that the health insurance ~~care coverage~~ has been
132 obtained or that application for health insurance ~~coverage~~ has
133 been made;

134 b. The obligee serves written notice of intent to enforce
135 an order for health insurance ~~care coverage~~ on the obligor by
136 mail at the obligor's last known address; and

137 c. The obligor fails within 15 days after the mailing of
138 the notice to provide written proof to the obligee that the
139 health insurance ~~care coverage~~ existed as of the date of
140 mailing.

141 2.a. A support order enforced under Title IV-D of the
142 Social Security Act which requires that the obligor provide
143 health insurance ~~care coverage~~ is enforceable by the department
144 through the use of the national medical support notice, and an
145 amendment to the support order is not required. The department

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146 shall transfer the national medical support notice to the
147 obligor's union or employer. The department shall notify the
148 obligor in writing that the notice has been sent to the
149 obligor's union or employer, and the written notification must
150 include the obligor's rights and duties under the national
151 medical support notice. The obligor may contest the withholding
152 required by the national medical support notice based on a
153 mistake of fact. To contest the withholding, the obligor must
154 file a written notice of contest with the department within 15
155 business days after the date the obligor receives written
156 notification of the national medical support notice from the
157 department. Filing with the department is complete when the
158 notice is received by the person designated by the department in
159 the written notification. The notice of contest must be in the
160 form prescribed by the department. Upon the timely filing of a
161 notice of contest, the department shall, within 5 business days,
162 schedule an informal conference with the obligor to discuss the
163 obligor's factual dispute. If the informal conference resolves
164 the dispute to the obligor's satisfaction or if the obligor
165 fails to attend the informal conference, the notice of contest
166 is deemed withdrawn. If the informal conference does not resolve
167 the dispute, the obligor may request an administrative hearing
168 under chapter 120 within 5 business days after the termination
169 of the informal conference, in a form and manner prescribed by
170 the department. However, the filing of a notice of contest by
171 the obligor does not delay the withholding of premium payments
172 by the union, employer, or health plan administrator. The union,
173 employer, or health plan administrator must implement the
174 withholding as directed by the national medical support notice

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175 unless notified by the department that the national medical
176 support notice is terminated.

177 b. In a Title IV-D case, the department shall notify an
178 obligor's union or employer if the obligation to provide health
179 insurance care ~~coverage~~ through that union or employer is
180 terminated.

181 3. In a non-Title IV-D case, upon receipt of the order
182 pursuant to subparagraph 1., or upon application of the obligor
183 pursuant to the order, the union or employer shall enroll the
184 minor child as a beneficiary in the group health plan regardless
185 of any restrictions on the enrollment period and withhold any
186 required premium from the obligor's income. If more than one
187 plan is offered by the union or employer, the child shall be
188 enrolled in the group health plan in which the obligor is
189 enrolled. If the group health plan in which the obligor is
190 enrolled is not available where the child resides or if the
191 obligor is not enrolled in group coverage, the child shall be
192 enrolled in the lowest cost group health plan that is accessible
193 to the child.

194 4.a. Upon receipt of the national medical support notice
195 under subparagraph 2. in a Title IV-D case, the union or
196 employer shall transfer the notice to the appropriate group
197 health plan administrator within 20 business days after the date
198 on the notice. The plan administrator must enroll the child as a
199 beneficiary in the group health plan regardless of any
200 restrictions on the enrollment period, and the union or employer
201 must withhold any required premium from the obligor's income
202 upon notification by the plan administrator that the child is
203 enrolled. The child shall be enrolled in the group health plan

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204 in which the obligor is enrolled. If the group health plan in
205 which the obligor is enrolled is not available where the child
206 resides or if the obligor is not enrolled in group coverage, the
207 child shall be enrolled in the lowest cost group health plan
208 that is accessible to ~~available where~~ the child resides.

209 b. If health insurance ~~care coverage~~ or the obligor's
210 employment is terminated in a Title IV-D case, the union or
211 employer that is withholding premiums for health insurance ~~care~~
212 ~~coverage~~ under a national medical support notice must notify the
213 department within 20 days after the termination and provide the
214 obligor's last known address and the name and address of the
215 obligor's new employer, if known.

216 5.a. The amount withheld by a union or employer in
217 compliance with a support order may not exceed the amount
218 allowed under s. 303(b) of the Consumer Credit Protection Act,
219 15 U.S.C. s. 1673(b), as amended. The union or employer shall
220 withhold the maximum allowed by the Consumer Credit Protection
221 Act in the following order:

222 (I) Current support, as ordered.

223 (II) Premium payments for health insurance ~~care coverage~~,
224 as ordered.

225 (III) Past due support, as ordered.

226 (IV) Other medical support or insurance ~~coverage~~, as
227 ordered.

228 b. If the combined amount to be withheld for current
229 support plus the premium payment for health insurance ~~care~~
230 ~~coverage~~ exceed the amount allowed under the Consumer Credit
231 Protection Act, and the health insurance ~~care coverage~~ cannot be
232 obtained unless the full amount of the premium is paid, the

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233 union or employer may not withhold the premium payment. However,
234 the union or employer shall withhold the maximum allowed in the
235 following order:

236 (I) Current support, as ordered.

237 (II) Past due support, as ordered.

238 (III) Other medical support or insurance ~~coverage~~, as
239 ordered.

240 6. An employer, union, or plan administrator who does not
241 comply with the requirements in sub-subparagraph 4.a. is subject
242 to a civil penalty not to exceed \$250 for the first violation
243 and \$500 for subsequent violations, plus attorney's fees and
244 costs. The department may file a petition in circuit court to
245 enforce the requirements of this subparagraph.

246 7. The department may adopt rules to administer the child
247 support enforcement provisions of this section that affect Title
248 IV-D cases.

249 Section 3. Subsection (5) of section 61.1301, Florida
250 Statutes, is amended to read:

251 61.1301 Income deduction orders.—

252 (5) By July 1, 2006, the department shall provide a payor
253 with Internet access to income deduction and national medical
254 support notices issued by the department on or after July 1,
255 2006, concerning an obligor to whom the payor pays income. The
256 department shall provide a payor who requests Internet access
257 with a user code and password to allow the payor to receive
258 notices electronically and to download the information necessary
259 to begin income deduction and health insurance ~~care coverage~~
260 enrollment. If a participating payor does not respond to
261 electronic notice by accessing the data posted by the department

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262 within 48 hours, the department shall mail the income deduction
263 or medical support notice to the payor.

264 Section 4. Present subsections (5) through (14) of section
265 409.2554, Florida Statutes, are renumbered as subsections (6)
266 through (15), respectively, and a new subsection (5) is added to
267 that section, to read:

268 409.2554 Definitions; ss. 409.2551-409.2598.—As used in ss.
269 409.2551-409.2598, the term:

270 (5) "Health insurance" means coverage under a fee-for-
271 service arrangement, health maintenance organization, or
272 preferred provider organization, and other types of coverage
273 available to either parent, under which medical services could
274 be provided to a dependent child.

275 Section 5. Paragraph (a) of subsection (4) of section
276 409.256, Florida Statutes, is amended to read:

277 409.256 Administrative proceeding to establish paternity or
278 paternity and child support; order to appear for genetic
279 testing.—

280 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
281 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
282 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue
283 shall commence a proceeding to determine paternity, or a
284 proceeding to determine both paternity and child support, by
285 serving the respondent with a notice as provided in this
286 section. An order to appear for genetic testing may be served at
287 the same time as a notice of the proceeding or may be served
288 separately. A copy of the affidavit or written declaration upon
289 which the proceeding is based shall be provided to the
290 respondent when notice is served. A notice or order to appear

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291 for genetic testing shall be served by certified mail,
292 restricted delivery, return receipt requested, or in accordance
293 with the requirements for service of process in a civil action.
294 Service by certified mail is completed when the certified mail
295 is received or refused by the addressee or by an authorized
296 agent as designated by the addressee in writing. If a person
297 other than the addressee signs the return receipt, the
298 department shall attempt to reach the addressee by telephone to
299 confirm whether the notice was received, and the department
300 shall document any telephonic communications. If someone other
301 than the addressee signs the return receipt, the addressee does
302 not respond to the notice, and the department is unable to
303 confirm that the addressee has received the notice, service is
304 not completed and the department shall attempt to have the
305 addressee served personally. For purposes of this section, an
306 employee or an authorized agent of the department may serve the
307 notice or order to appear for genetic testing and execute an
308 affidavit of service. The department may serve an order to
309 appear for genetic testing on a custodian. The department shall
310 provide a copy of the notice or order to appear by regular mail
311 to the mother and custodian, if they are not respondents.

312 (a) A notice of proceeding to establish paternity must
313 state:

314 1. That the department has commenced an administrative
315 proceeding to establish whether the putative father is the
316 biological father of the child named in the notice.

317 2. The name and date of birth of the child and the name of
318 the child's mother.

319 3. That the putative father has been named in an affidavit

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320 or written declaration that states the putative father is or may
321 be the child's biological father.

322 4. That the respondent is required to submit to genetic
323 testing.

324 5. That genetic testing will establish either a high degree
325 of probability that the putative father is the biological father
326 of the child or that the putative father cannot be the
327 biological father of the child.

328 6. That if the results of the genetic test do not indicate
329 a statistical probability of paternity that equals or exceeds 99
330 percent, the paternity proceeding in connection with that child
331 shall cease unless a second or subsequent test is required.

332 7. That if the results of the genetic test indicate a
333 statistical probability of paternity that equals or exceeds 99
334 percent, the department may:

335 a. Issue a proposed order of paternity that the respondent
336 may consent to or contest at an administrative hearing; or

337 b. Commence a proceeding, as provided in s. 409.2563, to
338 establish an administrative support order for the child. Notice
339 of the proceeding shall be provided to the respondent by regular
340 mail.

341 8. That, if the genetic test results indicate a statistical
342 probability of paternity that equals or exceeds 99 percent and a
343 proceeding to establish an administrative support order is
344 commenced, the department shall issue a proposed order that
345 addresses paternity and child support. The respondent may
346 consent to or contest the proposed order at an administrative
347 hearing.

348 9. That if a proposed order of paternity or proposed order

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349 of both paternity and child support is not contested, the
350 department shall adopt the proposed order and render a final
351 order that establishes paternity and, if appropriate, an
352 administrative support order for the child.

353 10. That, until the proceeding is ended, the respondent
354 shall notify the department in writing of any change in the
355 respondent's mailing address and that the respondent shall be
356 deemed to have received any subsequent order, notice, or other
357 paper mailed to the most recent address provided or, if a more
358 recent address is not provided, to the address at which the
359 respondent was served, and that this requirement continues if
360 the department renders a final order that establishes paternity
361 and a support order for the child.

362 11. That the respondent may file an action in circuit court
363 for a determination of paternity, child support obligations, or
364 both.

365 12. That if the respondent files an action in circuit court
366 and serves the department with a copy of the petition or
367 complaint within 20 days after being served notice under this
368 subsection, the administrative process ends without prejudice
369 and the action must proceed in circuit court.

370 13. That, if paternity is established, the putative father
371 may file a petition in circuit court for a determination of
372 matters relating to custody and rights of parental contact.

373

374 A notice under this paragraph must also notify the respondent of
375 the provisions in s. 409.2563(4)(n) and (p) ~~s. 409.2563(4)(m)~~
376 ~~and (o)~~.

377 Section 6. Subsection (5) of section 409.2561, Florida

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378 Statutes, is amended to read:

379 409.2561 Support obligations when public assistance is
380 paid; assignment of rights; subrogation; medical and health
381 insurance information.-

382 (5) With respect to cases for which there is an assignment
383 in effect under s. 409.910:

384 (a) The department ~~IV-D agency~~ shall obtain basic medical
385 support information for Medicaid recipients and applicants for
386 Medicaid and provide this information to the state Medicaid
387 agency for third-party liability purposes.

388 (b) When ~~the obligor receives~~ health insurance is obtained
389 ~~coverage~~ for the dependent child, the department ~~IV-D agency~~
390 shall provide health insurance policy information, including any
391 information available about the health insurance policy which
392 would permit a claim to be filed or, in the case of a health
393 maintenance or preferred provider organization, service to be
394 provided, to the state Medicaid agency.

395 (c) The state Medicaid agency, upon receipt of the health
396 insurance ~~coverage~~ information from the department ~~IV-D agency~~,
397 shall notify the obligor's insuring entity that the Medicaid
398 agency must be notified within 30 days when the health insurance
399 ~~such coverage~~ is discontinued.

400 ~~(d) Entities providing health insurance as defined in s.~~
401 ~~624.603 and health maintenance organizations and prepaid health~~
402 ~~clinics as defined in chapter 641 shall provide such records and~~
403 ~~information as is necessary to accomplish the purpose of this~~
404 ~~subsection, unless such requirement results in an unreasonable~~
405 ~~burden.~~

406 (d)(e) Upon the state Medicaid agency receiving notice from

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407 the ~~obligor's~~ insuring entity that the health insurance ~~coverage~~
408 is discontinued due to cancellation or other means, the Medicaid
409 agency shall notify the department ~~IV-D agency~~ of such
410 discontinuance and the effective date. When appropriate, the
411 department ~~IV-D agency~~ shall then take action to bring the
412 obligor before the court for enforcement.

413 Section 7. Paragraph (e) of subsection (7) of section
414 409.2563, Florida Statutes, is amended to read:

415 (7) Administrative support order.—

416 (e) An administrative support order must comply with ss.
417 61.13(1) and 61.30 ~~s. 61.30~~. The department shall develop a
418 standard form or forms for administrative support orders. An
419 administrative support order must provide and state findings, if
420 applicable, concerning:

421 1. The full name and date of birth of the child or
422 children;

423 2. The name of the parent from whom support is being sought
424 and the other parent or caretaker relative;

425 3. The parent's duty and ability to provide support;

426 4. The amount of the parent's monthly support obligation;

427 5. Any obligation to pay retroactive support;

428 6. The parent's obligation to provide for the health care
429 needs of each child, whether through health insurance ~~coverage~~,
430 contribution towards the cost of health insurance ~~coverage~~,
431 payment or reimbursement of health care expenses for the child,
432 or any combination thereof;

433 7. The beginning date of any required monthly payments and
434 health insurance ~~care coverage~~;

435 8. That all support payments ordered must be paid to the

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436 Florida State Disbursement Unit as provided by s. 61.1824;

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

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

446 11. That if the parent ordered to pay support receives
447 unemployment compensation benefits, the payor shall withhold,
448 and transmit to the department, 40 percent of the benefits for
449 payment of support, not to exceed the amount owed.

450

451 An income deduction order as provided by s. 61.1301 must be
452 incorporated into the administrative support order or, if not
453 incorporated into the administrative support order, the
454 department or the Division of Administrative Hearings shall
455 render a separate income deduction order.

456 Section 8. Effective October 1, 2009, paragraph (b) of
457 subsection (1), paragraph (d) of subsection (2), subsection (4),
458 paragraph (b) of subsection (5), subsection (6), paragraphs (d)
459 and (e) of subsection (7), as amended by this act, and
460 subsection (13) of section 409.2563, Florida Statutes, are
461 amended to read:

462 409.2563 Administrative establishment of child support
463 obligations.—

464 (1) DEFINITIONS.—As used in this section, the term:

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465 (b) "Caretaker ~~relative~~" means a nonparent who has assumed
466 the primary responsibility of caring for a child ~~has the same~~
467 ~~meaning ascribed in s. 414.0252(11).~~

468
469 Other terms used in this section have the meanings ascribed in
470 ss. 61.046 and 409.2554.

471 (2) PURPOSE AND SCOPE.—

472 (d) Either parent, or a caretaker ~~relative~~ if applicable,
473 may at any time file a civil action in a circuit court having
474 jurisdiction and proper venue to determine parental support
475 obligations, if any. A support order issued by a circuit court
476 prospectively supersedes an administrative support order
477 rendered by the department.

478 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
479 SUPPORT ORDER.—To commence a proceeding under this section, the
480 department shall provide to the parent from whom support is not
481 being sought and serve the parent from whom support is being
482 sought with a notice of proceeding to establish administrative
483 support order and a blank financial affidavit form. The notice
484 must state:

485 (a) The names of both parents, the name of the caretaker
486 ~~relative~~, if any, and the name and date of birth of the child or
487 children;

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

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

493 (d) That both parents, or parent and caretaker ~~relative~~ if

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494 applicable, are required to furnish to the department
495 information regarding their identities and locations, as
496 provided by paragraph (13) (b);

497 (e) That both parents, or parent and caretaker ~~relative~~ if
498 applicable, are required to promptly notify the department of
499 any change in their mailing addresses to ensure receipt of all
500 subsequent pleadings, notices, and orders, as provided by
501 paragraph (13) (c);

502 (f) That the department will calculate support obligations
503 based on the child support guidelines schedule in s. 61.30 and
504 using all available information, as provided by paragraph
505 (5) (a), and will incorporate such obligations into a proposed
506 administrative support order;

507 (g) That the department will send by regular mail to both
508 parents, or parent and caretaker ~~relative~~ if applicable, a copy
509 of the proposed administrative support order, the department's
510 child support worksheet, and any financial affidavits submitted
511 by a parent or prepared by the department;

512 (h) That the parent from whom support is being sought may
513 file a request for a hearing in writing within 20 days after the
514 date of mailing or other service of the proposed administrative
515 support order or will be deemed to have waived the right to
516 request a hearing;

517 (i) That unless the department refers the proceeding to the
518 Division of Administrative Hearings, if the parent from whom
519 support is being sought does not file a timely request for
520 hearing after service of the proposed administrative support
521 order, the department will issue an administrative support order
522 that incorporates the findings of the proposed administrative

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523 support order, and will send by regular mail a copy of the
524 administrative support order to both parents, or parent and
525 caretaker ~~relative~~ if applicable;

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

529 (k) That after an administrative support order is rendered,
530 the department may enforce the administrative support order by
531 any lawful means;

532 (l) That the department may refer the proceeding to the
533 Division of Administrative Hearings for a determination of the
534 support obligation, if any.

535 (m)~~(l)~~ That either parent, or the caretaker ~~relative~~ if
536 applicable, may file at any time a civil action in a circuit
537 court having jurisdiction and proper venue to determine parental
538 support obligations, if any, and that a support order issued by
539 a circuit court supersedes an administrative support order
540 rendered by the department;

541 (n)~~(m)~~ That, neither the department nor the Division of
542 Administrative Hearings has jurisdiction to award or change
543 child custody or rights of parental contact or time-sharing and
544 these issues may only be addressed in circuit court.

545 1. The parent from whom support is being sought may request
546 in writing that the department proceed in circuit court to
547 determine his or her support obligations.

548 2. The parent from whom support is being sought may state
549 in writing to the department his or her intention to address
550 issues concerning custody or rights to parental contact in
551 circuit court.

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552 3. If the parent from whom support is being sought submits
553 the request authorized in subparagraph 1., or the statement
554 authorized in subparagraph 2. to the department within 20 days
555 after the receipt of the initial notice, the department shall
556 file a petition in circuit court for the determination of the
557 parent's child support obligations, and shall send to the parent
558 from whom support is being sought a copy of its petition, a
559 notice of commencement of action, and a request for waiver of
560 service of process as provided in the Florida Rules of Civil
561 Procedure.

562 4. If, within 10 days after receipt of the department's
563 petition and waiver of service, the parent from whom support is
564 being sought signs and returns the waiver of service form to the
565 department, the department shall terminate the administrative
566 proceeding without prejudice and proceed in circuit court.

567 5. In any circuit court action filed by the department
568 pursuant to this paragraph or filed by a parent from whom
569 support is being sought or other person pursuant to paragraph
570 (m) or paragraph (o) ~~paragraph (l) or paragraph (n)~~, the
571 department shall be a party only with respect to those issues of
572 support allowed and reimbursable under Title IV-D of the Social
573 Security Act. It is the responsibility of the parent from whom
574 support is being sought or other person to take the necessary
575 steps to present other issues for the court to consider.

576 ~~(o)(n)~~ That if the parent from whom support is being sought
577 files an action in circuit court and serves the department with
578 a copy of the petition within 20 days after being served notice
579 under this subsection, the administrative process ends without
580 prejudice and the action must proceed in circuit court; and

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581 (p)~~(e)~~ Information provided by the Office of State Courts
582 Administrator concerning the availability and location of self-
583 help programs for those who wish to file an action in circuit
584 court but who cannot afford an attorney.
585
586 The department may serve the notice of proceeding to establish
587 administrative support order by certified mail, restricted
588 delivery, return receipt requested. Alternatively, the
589 department may serve the notice by any means permitted for
590 service of process in a civil action. For purposes of this
591 section, an authorized employee of the department may serve the
592 notice and execute an affidavit of service. Service by certified
593 mail is completed when the certified mail is received or refused
594 by the addressee or by an authorized agent as designated by the
595 addressee in writing. If a person other than the addressee signs
596 the return receipt, the department shall attempt to reach the
597 addressee by telephone to confirm whether the notice was
598 received, and the department shall document any telephonic
599 communications. If someone other than the addressee signs the
600 return receipt, the addressee does not respond to the notice,
601 and the department is unable to confirm that the addressee has
602 received the notice, service is not completed and the department
603 shall attempt to have the addressee served personally. The
604 department shall provide the parent from whom support is not
605 being sought or the caretaker ~~relative~~ with a copy of the notice
606 by regular mail to the last known address of the parent from
607 whom support is not being sought or caretaker.
608 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—
609 (b) The department shall send by regular mail to both

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610 parents, or to a parent and caretaker ~~relative~~ if applicable,
611 copies of the proposed administrative support order, its
612 completed child support worksheet, and any financial affidavits
613 submitted by a parent or prepared by the department. The
614 proposed administrative support order must contain the same
615 elements as required for an administrative support order under
616 paragraph (7) (e).

617 (6) HEARING.—If the parent from whom support is being
618 sought files a timely request for hearing or the department
619 determines that an evidentiary hearing is appropriate, the
620 department shall refer the proceeding ~~hearing request~~ to the
621 Division of Administrative Hearings. Unless otherwise provided
622 by this section, chapter 120 and the Uniform Rules of Procedure
623 shall govern the conduct of the proceedings. The administrative
624 law judge shall consider all available and admissible
625 information and any presumptions that apply as provided by
626 paragraph (5) (a).

627 (7) ADMINISTRATIVE SUPPORT ORDER.—

628 (d) The department shall send by regular mail a copy of the
629 administrative support order, or the final order denying an
630 administrative support order, to both parents, or a parent and
631 caretaker ~~relative~~ if applicable. The parent from whom support
632 is being sought shall be notified of the right to seek judicial
633 review of the administrative support order in accordance with s.
634 120.68.

635 (e) An administrative support order must comply with ss.
636 61.13(1) and 61.30 ~~s. 61.30~~. The department shall develop a
637 standard form or forms for administrative support orders. An
638 administrative support order must provide and state findings, if

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639 applicable, concerning:

- 640 1. The full name and date of birth of the child or
641 children;
- 642 2. The name of the parent from whom support is being sought
643 and the other parent or caretaker ~~relative~~;
- 644 3. The parent's duty and ability to provide support;
- 645 4. The amount of the parent's monthly support obligation;
- 646 5. Any obligation to pay retroactive support;
- 647 6. The parent's obligation to provide for the health care
648 needs of each child, whether through health insurance ~~coverage~~,
649 contribution towards the cost of health insurance ~~coverage~~,
650 payment or reimbursement of health care expenses for the child,
651 or any combination thereof;
- 652 7. The beginning date of any required monthly payments and
653 health insurance ~~care coverage~~;
- 654 8. That all support payments ordered must be paid to the
655 Florida State Disbursement Unit as provided by s. 61.1824;
- 656 9. That the parents, or caretaker ~~relative~~ if applicable,
657 must file with the department when the administrative support
658 order is rendered, if they have not already done so, and update
659 as appropriate the information required pursuant to paragraph
660 (13) (b);
- 661 10. That both parents, or parent and caretaker ~~relative~~ if
662 applicable, are required to promptly notify the department of
663 any change in their mailing addresses pursuant to paragraph
664 (13) (c); and
- 665 11. That if the parent ordered to pay support receives
666 unemployment compensation benefits, the payor shall withhold,
667 and transmit to the department, 40 percent of the benefits for

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668 payment of support, not to exceed the amount owed.

669

670 An income deduction order as provided by s. 61.1301 must be
671 incorporated into the administrative support order or, if not
672 incorporated into the administrative support order, the
673 department or the Division of Administrative Hearings shall
674 render a separate income deduction order.

675 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
676 ADDRESS OF RECORD.—In all proceedings pursuant to this section:

677 (a) Each parent must execute and furnish to the department,
678 no later than 20 days after receipt of the notice of proceeding
679 to establish administrative support order, a financial affidavit
680 in the form prescribed by the department. An updated financial
681 affidavit must be executed and furnished to the department at
682 the inception of each proceeding to modify an administrative
683 support order. A caretaker is ~~relatives are~~ not required to
684 furnish a financial affidavit ~~affidavits~~.

685 (b) Each parent and caretaker ~~relative~~ if applicable, shall
686 disclose to the department, no later than 20 days after receipt
687 of the notice of proceeding to establish administrative support
688 order, and update as appropriate, information regarding his or
689 her identity and location, including names he or she is known
690 by; social security number; residential and mailing addresses;
691 telephone numbers; driver's license numbers; and names,
692 addresses, and telephone numbers of employers. Pursuant to the
693 federal Personal Responsibility and Work Opportunity
694 Reconciliation Act of 1996, each person must provide his or her
695 social security number in accordance with this section.
696 Disclosure of social security numbers obtained through this

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697 requirement shall be limited to the purpose of administration of
698 the Title IV-D program for child support enforcement.

699 (c) Each parent and caretaker ~~relative~~, if applicable, has
700 a continuing obligation to promptly inform the department in
701 writing of any change in his or her mailing address to ensure
702 receipt of all subsequent pleadings, notices, payments,
703 statements, and orders, and receipt is presumed if sent by
704 regular mail to the most recent address furnished by the person.

705 Section 9. Subsection (7) of section 409.25635, Florida
706 Statutes, is amended to read:

707 409.25635 Determination and collection of noncovered
708 medical expenses.—

709 (7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.—Any
710 administrative remedy available for collection of support may be
711 used to collect noncovered medical expenses that are determined
712 or established under this section. The department may collect
713 noncovered medical expenses in installments by adding a periodic
714 payment to an income deduction notice issued by the department.

715 Section 10. Subsection (4) of section 409.2564, Florida
716 Statutes, is amended to read:

717 409.2564 Actions for support.—

718 (4) Whenever the Department of Revenue has undertaken an
719 action for enforcement of support, the Department of Revenue may
720 enter into an agreement with the obligor for the entry of a
721 judgment determining paternity, if applicable, and for periodic
722 child support payments based on the child support guidelines
723 schedule in s. 61.30. Before ~~Prior to~~ entering into this
724 agreement, the obligor shall be informed that a judgment will be
725 entered based on the agreement. The clerk of the court shall

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726 file the agreement without the payment of any fees or charges,
727 and the court, upon entry of the judgment, shall forward a copy
728 of the judgment to the parties to the action. Effective July 1,
729 2012, to encourage out-of-court settlement and promote support
730 order compliance, if the obligor and the Department of Revenue
731 agree on entry of a support order and its terms, the guideline
732 amount owed for retroactive support that is permanently assigned
733 to the state may ~~shall~~ be reduced by 25 percent.

734 Section 11. Effective November 1, 2009, subsection (11) of
735 section 409.2564, Florida Statutes, is amended to read:

736 409.2564 Actions for support.—

737 (11) (a) The department ~~Title IV-D agency~~ shall review child
738 support orders in Title IV-D cases at least once every 3 years
739 when requested ~~upon request~~ by either party, or when support
740 rights are assigned ~~the agency in cases where there is an~~
741 ~~assignment of support~~ to the state under s. 414.095(7), and may
742 seek modification ~~adjustment~~ of the order if appropriate under
743 the child-support guidelines ~~schedule established~~ in s. 61.30.
744 No ~~Not~~ less than once every 3 years the department ~~IV-D agency~~
745 shall provide notice to the parties subject to the order
746 informing them of their right to request a review and, if
747 appropriate, modification ~~an adjustment~~ of the child support
748 order. The ~~Said~~ notice requirement may be met by including
749 appropriate language in the initial support order or any
750 subsequent orders.

751 (b) If the department's review of a support order entered
752 by the circuit court indicates that the order should be
753 modified, the department, through counsel, shall file a petition
754 to modify the order with the court. Along with the petition, the

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755 department shall file a child support guideline worksheet, any
756 financial affidavits received from the parties or completed by
757 the department as part of the support order review, a proposed
758 modified order, and a notice that informs the parties of the
759 requirement to file an objection or a request for hearing with
760 the court if the party seeks a court hearing on the petition to
761 modify. A copy of the petition, proposed order, and other
762 documents shall be served by regular mail on a party who
763 requested review of the support order or who responded to the
764 department during the review. A party who did not request a
765 review of the support order or respond to the department during
766 the review shall be served by certified mail, return receipt
767 requested, restricted delivery, or served personally in any
768 manner authorized by chapter 48.

769 (c) To obtain a court hearing on a petition to modify, a
770 party who is served by regular mail must file an objection to
771 the proposed order or a request for hearing with the court
772 within 30 days after the date that the petition, proposed order,
773 and other documents are mailed. If a party is served personally
774 or by certified mail, to obtain a court hearing the party must
775 file an objection to the proposed order or a request for hearing
776 with the court within 30 days after the date of receipt of the
777 petition, proposed order, and other documents.

778 (d) If a timely objection or request for hearing is not
779 filed with the court, the court may modify the support order
780 without a hearing in accordance with the terms of the proposed
781 order.

782 (e) If a support order does not provide for payment of
783 noncovered medical expenses or require health insurance for the

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784 minor child and if it is accessible to the child and available
785 at reasonable cost, the department shall seek to have the order
786 modified and any modification shall be made without a
787 requirement for proof or showing of a change in circumstances.

788 Section 12. Subsection (5) of section 409.2567, Florida
789 Statutes, is amended to read:

790 409.2567 Services to individuals not otherwise eligible.—

791 (5) The Department of Revenue may ~~shall~~ seek a waiver from
792 the Secretary of the United States Department of Health and
793 Human Services to authorize the Department of Revenue to provide
794 services in accordance with Title IV-D of the Social Security
795 Act to individuals who are owed support without need of an
796 application. If the waiver is granted, the Department of Revenue
797 shall adopt rules to implement the waiver and begin providing
798 Title IV-D services if support payments are not being paid as
799 ordered, except that the individual first must be given written
800 notice of the right to refuse Title IV-D services and a
801 reasonable opportunity to respond.

802 Section 13. Subsection (5) of section 409.2572, Florida
803 Statutes, is amended to read:

804 409.2572 Cooperation.—

805 (5) As used in this section only, the term "applicant for
806 or recipient of public assistance for a dependent child" refers
807 to such applicants and recipients of public assistance as
808 defined in s. 409.2554(8) ~~s. 409.2554(7)~~, with the exception of
809 applicants for or recipients of Medicaid solely for the benefit
810 of a dependent child.

811 Section 14. Subsection (7) of section 409.2576, Florida
812 Statutes, is amended to read:

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813 409.2576 State Directory of New Hires.—

814 (7) WAGE WITHHOLDING NOTICE AND NATIONAL MEDICAL SUPPORT
815 NOTICE.—The department shall transmit a wage withholding notice
816 consistent with s. 61.1301 and, when appropriate, a national
817 medical support notice, as defined in s. 61.046, to the
818 employee's employer within 2 business days after entry of the
819 new hire information into the State Directory of New Hires'
820 database, unless the court has determined that the employee's
821 wages are not subject to withholding or, for purposes of the
822 national medical support notice, the support order does not
823 contain a provision for the employee to provide health insurance
824 ~~care coverage~~. The withholding notice shall direct the employer
825 to withhold income in accordance with the income deduction
826 order, and the national medical support notice shall direct the
827 employer to withhold premiums for health insurance ~~care~~
828 ~~coverage~~.

829 Section 15. Subsection (3) of section 409.259, Florida
830 Statutes, is amended to read:

831 409.259 Filing fees in Title IV-D cases; electronic filing
832 of pleadings, returns of service, and other papers.—

833 (3) The clerks of the circuit court, chief judges through
834 the Office of the State Courts Administrator, sheriffs, Office
835 of the Attorney General, and Department of Revenue shall work
836 cooperatively to implement electronic filing of pleadings,
837 returns of service, and other papers with the clerks of the
838 circuit court in Title IV-D cases by October 1, 2015 ~~October 1,~~
839 ~~2009~~.

840 Section 16. Effective July 1, 2009, paragraph (a) of
841 subsection (20) of section 409.910, Florida Statutes, is amended

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842 to read:

843 409.910 Responsibility for payments on behalf of Medicaid-
844 eligible persons when other parties are liable.-

845 (20) Entities providing health insurance as defined in s.
846 624.603, health maintenance organizations and prepaid health
847 clinics as defined in chapter 641, and, on behalf of their
848 clients, third-party administrators and pharmacy benefits
849 managers as defined in s. 409.901(27) shall provide such records
850 and information as are necessary to accomplish the purpose of
851 this section, unless such requirement results in an unreasonable
852 burden.

853 (a) The director of the agency and the Director of the
854 Office of Insurance Regulation of the Financial Services
855 Commission shall enter into a cooperative agreement for
856 requesting and obtaining information necessary to effect the
857 purpose and objective of this section.

858 1. The agency shall request only that information necessary
859 to determine whether health insurance as defined pursuant to s.
860 624.603, or those health services provided pursuant to chapter
861 641, could be, should be, or have been claimed and paid with
862 respect to items of medical care and services furnished to any
863 person eligible for services under this section and whether such
864 health insurance or health services are available or could be
865 obtained for a child in a Title IV-D child support enforcement
866 case.

867 2. All information obtained pursuant to subparagraph 1. is
868 confidential and exempt from s. 119.07(1). The agency shall
869 provide the information obtained pursuant to subparagraph 1. to
870 the Department of Revenue for purposes of administering the

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871 state Title IV-D program. The agency and the Department of
872 Revenue shall enter into a cooperative agreement for purposes of
873 implementing this requirement.

874 3. The cooperative agreement or rules adopted under this
875 subsection may include financial arrangements to reimburse the
876 reporting entities for reasonable costs or a portion thereof
877 incurred in furnishing the requested information. Neither the
878 cooperative agreement nor the rules shall require the automation
879 of manual processes to provide the requested information.

880 Section 17. Subsection (7) of section 414.095, Florida
881 Statutes, is amended to read:

882 414.095 Determining eligibility for temporary cash
883 assistance.—

884 (7) ASSIGNMENT OF RIGHTS TO SUPPORT.—As a condition of
885 receiving temporary cash assistance, the family must assign to
886 the Department of Revenue ~~department~~ any rights a member of a
887 family may have to support from any other person. This applies
888 to any family member; however, the assigned amounts must not
889 exceed the total amount of temporary cash assistance provided to
890 the family. The assignment of support does not apply if the
891 family leaves the program.

892 Section 18. Except as otherwise expressly provided in this
893 act, this act shall take effect upon becoming a law.