



235408

LEGISLATIVE ACTION

Senate

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House

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Floor: 4/AD/2R

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04/21/2010 05:30 PM

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Senator Storms moved the following:

Senate Amendment (with directory and title amendments)

Between lines 1267 and 1268

insert:

(5) Whenever the department ~~IV-D agency~~ has undertaken an action to determine paternity, to establish an obligation of support, or to enforce or modify an obligation of support, the department ~~IV-D agency~~ shall be a party to the action only for those purposes allowed under Title IV-D of the Social Security Act. The program attorney shall be the attorney of record solely for the purposes of support enforcement as authorized under Title IV-D and may prosecute only those activities which are eligible for federal financial participation under Title IV-D.



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14 An attorney-client relationship exists only between the
15 department and the legal services providers in all Title IV-D
16 cases. The attorney shall advise the obligee in Title IV-D cases
17 that the attorney represents the agency and not the obligee.

18 (7) The director of the department ~~Title IV-D agency~~, or
19 the director's designee, is authorized to subpoena from any
20 person financial and other information necessary to establish,
21 modify, or enforce a child support order.

22 (a) For the purpose of establishing or modifying a child
23 support order, or enforcing a support order, the director of the
24 department ~~this~~ or another state's Title IV-D agency, or any
25 employee designated by the director of the department ~~this~~
26 ~~state's Title IV-D agency~~ or authorized under another state's
27 law, may administer oaths or affirmations, subpoena witnesses
28 and compel their attendance, take evidence and require the
29 production of any matter which is relevant to the support
30 action, including the existence, description, nature, custody,
31 condition, and location of any books, documents, or other
32 tangible things and the identity and location of persons having
33 knowledge of relevant facts or any other matter reasonably
34 calculated to lead to the discovery of material evidence.

35 (b) Subpoenas issued by the department ~~this~~ or another ~~any~~
36 ~~other~~ state's Title IV-D agency may be challenged in accordance
37 with s. 120.569(2)(k)1. While a subpoena is being challenged,
38 the department ~~Title IV-D agency~~ may not impose a fine as
39 provided for under paragraph (c) until the challenge is complete
40 and the subpoena has been found to be valid.

41 (c) The department ~~Title IV-D agency~~ is authorized to
42 impose a fine for failure to comply with a subpoena. Failure to



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43 comply with the subpoena, or to challenge the subpoena as
44 provided in paragraph (b), within 15 days after service of the
45 subpoena may result in the agency taking the following actions:

46 1. Imposition of an administrative fine of not more than
47 \$500.

48 2. Enforcement of the subpoena as provided in s.
49 120.569(2)(k)2. When the subpoena is enforced pursuant to s.
50 120.569(2)(k)2., the court may award costs and fees to the
51 prevailing party in accordance with that section.

52 (d) The department ~~Title IV-D agency~~ may seek to collect
53 administrative fines imposed pursuant to paragraph (c) by filing
54 a petition in the circuit court of the judicial circuit in which
55 the person against whom the fine was imposed resides. All fines
56 collected pursuant to this subsection shall be deposited into
57 the Child Support Enforcement Application and Program Revenue
58 Trust Fund.

59 (8) In cases in which support is subject to an assignment
60 as provided under 45 C.F.R. s. 301.1, the department ~~Title IV-D~~
61 ~~agency~~ shall, upon providing notice to the obligor and obligee,
62 direct the obligor or other payor to change the payee to the
63 appropriate depository.

64 (9) (a) For the purpose of securing delinquent support, the
65 department ~~Title IV-D agency~~ may increase the amount of the
66 monthly support obligation to include amounts for delinquencies,
67 subject to such conditions or limitations as set forth in
68 paragraph (b).

69 (b) In support obligations not subject to income deduction,
70 the department ~~Title IV-D agency~~ shall notify the obligor of his
71 or her delinquency and of the department's intent to require an



72 additional 20 percent of the monthly obligation amount to allow
73 for collection of the delinquency unless, within 20 days, the
74 obligor:

- 75 1. Pays the delinquency in full; or
76 2. Files a petition with the circuit court to contest the
77 delinquency action.

78
79 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

80 And the directory clause is amended as follows:

81
82 Delete lines 1249 - 1250

83 and insert:

84
85 Section 9. Effective November 1, 2010, subsections (4),
86 (5), (7), (8), (9), and (11) of section 409.2564, Florida
87 Statutes, are amended to read:

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

90 And the title is amended as follows:

91
92 Delete line 47

93 and insert:

94
95 settlement agreement; conforming cross-references;
96 requiring the department to