

1 A bill to be entitled
2 An act relating to child support and parenting time
3 plans; amending s. 409.2551, F.S.; stating legislative
4 intent to encourage frequent contact between a child
5 and each parent; amending s. 409.2554, F.S.; defining
6 terms; amending s. 409.2557, F.S.; authorizing the
7 Department of Revenue to establish parenting time
8 plans agreed to by both parents in Title IV-D child
9 support actions; amending s. 409.2563, F.S.; requiring
10 the department to mail Title IV-D Standard Parenting
11 Time Plans with proposed administrative support
12 orders; providing requirements for including parenting
13 time plans in certain administrative orders; creating
14 s. 409.25633, F.S.; providing the purpose of and
15 requirements for Title IV-D Standard Parenting Time
16 Plans; requiring the department to refer parents who
17 do not agree on a parenting time plan to a circuit
18 court; authorizing modification of a parenting time
19 plan based on safety concerns; requiring the
20 department to create and provide a form for a petition
21 to establish a parenting time plan under certain
22 circumstances; specifying that the parents are not
23 required to pay a fee to file the petition;
24 authorizing the department to adopt rules; amending s.
25 409.2564, F.S.; authorizing the department to

26 | incorporate either an agreed-upon parenting time plan
27 | or a Title IV-D Standard Parenting Time Plan in a
28 | child support order; amending ss. 409.256 and
29 | 409.2572, F.S.; conforming cross-references; providing
30 | appropriations; providing an effective date.

31 |

32 | Be It Enacted by the Legislature of the State of Florida:

33 |

34 | Section 1. Section 409.2551, Florida Statutes, is amended
35 | to read:

36 | 409.2551 Legislative intent.—Common-law and statutory
37 | procedures governing the remedies for enforcement of support for
38 | financially dependent children by persons responsible for their
39 | support have not proven sufficiently effective or efficient to
40 | cope with the increasing incidence of financial dependency. The
41 | increasing workload of courts, prosecuting attorneys, and the
42 | Attorney General has resulted in a growing burden on the
43 | financial resources of the state, which is constrained to
44 | provide public assistance for basic maintenance requirements
45 | when parents fail to meet their primary obligations. The state,
46 | therefore, exercising its police and sovereign powers, declares
47 | that the common-law and statutory remedies pertaining to family
48 | desertion and nonsupport of dependent children shall be
49 | augmented by additional remedies directed to the resources of
50 | the responsible parents. In order to render resources more

51 immediately available to meet the needs of dependent children,
 52 it is the legislative intent that the remedies provided herein
 53 are in addition to, and not in lieu of, existing remedies. It is
 54 declared to be the public policy of this state that this act be
 55 construed and administered to the end that children shall be
 56 maintained from the resources of their parents, thereby
 57 relieving, at least in part, the burden presently borne by the
 58 general citizenry through public assistance programs. It is also
 59 the public policy of this state to encourage frequent contact
 60 between a child and each parent to optimize the development of a
 61 close and continuing relationship between each parent and the
 62 child. There is no presumption for or against the father or
 63 mother of the child or for or against any specific time-sharing
 64 schedule when a parenting time plan is created.

65 Section 2. Section 409.2554, Florida Statutes, is
 66 reordered and amended to read:

67 409.2554 Definitions; ss. 409.2551-409.2598.—As used in
 68 ss. 409.2551-409.2598, the term:

69 (5)~~(1)~~ "Department" means the Department of Revenue.

70 (6)~~(2)~~ "Dependent child" means any unemancipated person
 71 under the age of 18, any person under the age of 21 and still in
 72 school, or any person who is mentally or physically
 73 incapacitated when such incapacity began before ~~prior to~~ such
 74 person reached ~~reaching~~ the age of 18. This definition may ~~shall~~
 75 not be construed to impose an obligation for child support

76 beyond the child's attainment of majority except as imposed in
 77 s. 409.2561.

78 (3) "Court" means the circuit court.

79 (4) "Court order" means any judgment or order of any court
 80 of appropriate jurisdiction of the state, or an order of a court
 81 of competent jurisdiction of another state, ordering payment of
 82 a set or determinable amount of support money.

83 (7)~~(5)~~ "Health insurance" means coverage under a fee-for-
 84 service arrangement, health maintenance organization, or
 85 preferred provider organization, and other types of coverage
 86 available to either parent, under which medical services could
 87 be provided to a dependent child.

88 (8)~~(6)~~ "Obligee" means the person to whom support payments
 89 are made pursuant to an alimony or child support order.

90 (9)~~(7)~~ "Obligor" means a person who is responsible for
 91 making support payments pursuant to an alimony or child support
 92 order.

93 (12)~~(8)~~ "Public assistance" means money assistance paid on
 94 the basis of Title IV-E and Title XIX of the Social Security
 95 Act, temporary cash assistance, or food assistance benefits
 96 received on behalf of a child under 18 years of age who has an
 97 absent parent.

98 (10)~~(9)~~ "Program attorney" means an attorney employed by
 99 the department, under contract with the department, or employed
 100 by a contractor of the department, to provide legal

101 representation for the department in a proceeding related to the
 102 determination of paternity or the establishment, modification,
 103 or enforcement of support brought pursuant to law.

104 ~~(11)-(10)~~ "Prosecuting attorney" means any private
 105 attorney, county attorney, city attorney, state attorney,
 106 program attorney, or an attorney employed by an entity of a
 107 local political subdivision who engages in legal action related
 108 to the determination of paternity or the establishment,
 109 modification, or enforcement of support brought pursuant to this
 110 act.

111 (13) "State Case Registry" means the automated registry
 112 maintained by the Title IV-D agency, containing records of each
 113 Title IV-D case and of each support order established or
 114 modified in the state on or after October 1, 1998. Such records
 115 must consist of data elements as required by the United States
 116 Secretary of Health and Human Services.

117 (14) "State Disbursement Unit" means the unit established
 118 and operated by the Title IV-D agency to provide one central
 119 address for collection and disbursement of child support
 120 payments made in cases enforced by the department pursuant to
 121 Title IV-D of the Social Security Act and in cases not being
 122 enforced by the department in which the support order was
 123 initially issued in this state on or after January 1, 1994, and
 124 in which the obligor's child support obligation is being paid
 125 through income deduction order.

126 (16) "Title IV-D Standard Parenting Time Plan" means a
 127 document which may be agreed to by the parents to govern the
 128 relationship between the parents and to provide the parent who
 129 owes support a reasonable minimum amount of time with his or her
 130 child. The plans set forth in s. 409.25633 include timetables
 131 that specify the time, including overnights and holidays, that a
 132 minor child 3 years of age or older may spend with each parent.

133 (15)~~(11)~~ "Support," unless otherwise specified, means:

134 (a) Child support, and, when the child support obligation
 135 is being enforced by the Department of Revenue, spousal support
 136 or alimony for the spouse or former spouse of the obligor with
 137 whom the child is living.

138 (b) Child support only in cases not being enforced by the
 139 Department of Revenue.

140 (1)~~(12)~~ "Administrative costs" means any costs, including
 141 attorney~~attorney's~~ fees, clerk's filing fees, recording fees
 142 and other expenses incurred by the clerk of the circuit court,
 143 service of process fees, or mediation costs, incurred by the
 144 Title IV-D agency in its effort to administer the Title IV-D
 145 program. The administrative costs that~~which~~ must be collected
 146 by the department shall be assessed on a case-by-case basis
 147 based upon a method for determining costs approved by the
 148 Federal Government. The administrative costs shall be assessed
 149 periodically by the department. The methodology for determining
 150 administrative costs shall be made available to the judge or any

151 party who requests it. Only those amounts ordered independent of
152 current support, arrears, or past public assistance obligation
153 shall be considered and applied toward administrative costs.

154 (2)~~(13)~~ "Child support services" includes any civil,
155 criminal, or administrative action taken by the Title IV-D
156 program to determine paternity or to~~to~~ establish, modify,
157 enforce, or collect support.

158 (17)~~(14)~~ "Undistributable collection" means a support
159 payment received by the department which the department
160 determines cannot be distributed to the final intended
161 recipient.

162 (18)~~(15)~~ "Unidentifiable collection" means a payment
163 received by the department for which a parent, depository or
164 circuit civil numbers, or source of the payment cannot be
165 identified.

166 Section 3. Subsection (2) of section 409.2557, Florida
167 Statutes, is amended to read:

168 409.2557 State agency for administering child support
169 enforcement program.—

170 (2) The department in its capacity as the state Title IV-D
171 agency has ~~shall have~~ the authority to take actions necessary to
172 carry out the public policy of ensuring that children are
173 maintained from the resources of their parents to the extent
174 possible. The department's authority includes ~~shall include~~, but
175 is not ~~be~~ limited to, the establishment of paternity or support

176 obligations, the establishment of a Title IV-D Standard
177 Parenting Time Plan or any other parenting time plan agreed to
178 by the parents, and ~~as well as~~ the modification, enforcement,
179 and collection of support obligations.

180 Section 4. Subsections (2), (4), (5), and (7) of section
181 409.2563, Florida Statutes, are amended to read:

182 409.2563 Administrative establishment of child support
183 obligations.—

184 (2) PURPOSE AND SCOPE.—

185 (a) It is not the Legislature's intent to limit the
186 jurisdiction of the circuit courts to hear and determine issues
187 regarding child support or parenting time. This section is
188 intended to provide the department with an alternative procedure
189 for establishing child support obligations and establishing a
190 parenting time plan only if the parents are in agreement, in
191 Title IV-D cases in a fair and expeditious manner when there is
192 no court order of support. The procedures in this section are
193 effective throughout the state and shall be implemented
194 statewide.

195 (b) If the parents do not have an existing time-sharing
196 schedule or parenting time plan and do not agree to a parenting
197 time plan, a parenting time plan will not be included in the
198 initial administrative order, only a statement explaining its
199 absence.

200 (c) If the parents have a judicially established parenting

201 time plan, the plan will not be included in the administrative
202 or initial judicial order.

203 (d) Any notification provided by the department will not
204 include Title IV-D Standard Parenting Time Plans if Florida is
205 not the child's home state, when one parent does not reside in
206 Florida, if either parent has requested nondisclosure for fear
207 of harm from the other parent, or when the parent who owes
208 support is incarcerated.

209 (e) ~~(b)~~ The administrative procedure set forth in this
210 section concerns only the establishment of child support
211 obligations and, if agreed to by both parents, a parenting time
212 plan or Title IV-D Standard Parenting Time Plan. This section
213 does not grant jurisdiction to the department or the Division of
214 Administrative Hearings to hear or determine issues of
215 dissolution of marriage, separation, alimony or spousal support,
216 termination of parental rights, dependency, disputed paternity,
217 except for a determination of paternity as provided in s.
218 409.256, ~~or award of~~ or change of time-sharing. If both parents
219 have agreed to a parenting time plan before the establishment of
220 the administrative support order, the department or the Division
221 of Administrative Hearings will incorporate the agreed-upon
222 parenting time plan into the administrative support order. This
223 paragraph notwithstanding, the department and the Division of
224 Administrative Hearings may make findings of fact that are
225 necessary for a proper determination of a parent's support

226 obligation as authorized by this section.

227 (f)~~(e)~~ If there is no support order for a child in a Title
228 IV-D case whose paternity has been established or is presumed by
229 law, or whose paternity is the subject of a proceeding under s.
230 409.256, the department may establish a parent's child support
231 obligation pursuant to this section, s. 61.30, and other
232 relevant provisions of state law. The administrative support
233 order will include a parenting time plan or Title IV-D Standard
234 Parenting Time Plan as agreed to by both parents. The parent's
235 obligation determined by the department may include any
236 obligation to pay retroactive support and any obligation to
237 provide for health care for a child, whether through insurance
238 coverage, reimbursement of expenses, or both. The department may
239 proceed on behalf of:

- 240 1. An applicant or recipient of public assistance, as
241 provided by ss. 409.2561 and 409.2567;
- 242 2. A former recipient of public assistance, as provided by
243 s. 409.2569;
- 244 3. An individual who has applied for services as provided
245 by s. 409.2567;
- 246 4. Itself or the child, as provided by s. 409.2561; or
- 247 5. A state or local government of another state, as
248 provided by chapter 88.

249 (g)~~(d)~~ Either parent, or a caregiver if applicable, may at
250 any time file a civil action in a circuit court having

251 jurisdiction and proper venue to determine parental support
252 obligations, if any. A support order issued by a circuit court
253 prospectively supersedes an administrative support order
254 rendered by the department.

255 (h)~~(e)~~ Pursuant to paragraph (e) ~~(b)~~, neither the
256 department nor the Division of Administrative Hearings has
257 jurisdiction to ~~award or~~ change child custody or rights of
258 parental contact. The department or the Division of
259 Administrative Hearings will incorporate a parenting time plan
260 or Title IV-D Standard Parenting Time Plan as agreed to by both
261 parents into the administrative support order. Either parent may
262 at any time file a civil action in a circuit having jurisdiction
263 and proper venue for a determination of child custody and rights
264 of parental contact.

265 (i)~~(f)~~ The department shall terminate the administrative
266 proceeding and file an action in circuit court to determine
267 support if within 20 days after receipt of the initial notice
268 the parent from whom support is being sought requests in writing
269 that the department proceed in circuit court or states in
270 writing his or her intention to address issues concerning time-
271 sharing or rights to parental contact in court and if within 10
272 days after receipt of the department's petition and waiver of
273 service the parent from whom support is being sought signs and
274 returns the waiver of service form to the department.

275 (j)~~(g)~~ The notices and orders issued by the department

276 | under this section shall be written clearly and plainly.

277 | (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
 278 | SUPPORT ORDER.—To commence a proceeding under this section, the
 279 | department shall provide to the parent from whom support is not
 280 | being sought and serve the parent from whom support is being
 281 | sought with a notice of proceeding to establish administrative
 282 | support order, a copy of the Title IV-D Standard Parenting Time
 283 | Plans, and a blank financial affidavit form. The notice must
 284 | state:

285 | (a) The names of both parents, the name of the caregiver,
 286 | if any, and the name and date of birth of the child or
 287 | children. ~~†~~

288 | (b) That the department intends to establish an
 289 | administrative support order as defined in this section. ~~†~~

290 | (c) That the department will incorporate a parenting time
 291 | plan or Title IV-D Standard Parenting Time Plan, as agreed to by
 292 | both parents, into the administrative support order.

293 | ~~(d)(e)~~ That both parents must submit a completed financial
 294 | affidavit to the department within 20 days after receiving the
 295 | notice, as provided by paragraph (13) (a). ~~†~~

296 | ~~(e)(d)~~ That both parents, or parent and caregiver if
 297 | applicable, are required to furnish to the department
 298 | information regarding their identities and locations, as
 299 | provided by paragraph (13) (b). ~~†~~

300 | ~~(f)(e)~~ That both parents, or parent and caregiver if

301 applicable, are required to promptly notify the department of
302 any change in their mailing addresses to ensure receipt of all
303 subsequent pleadings, notices, and orders, as provided by
304 paragraph (13) (c).~~†~~

305 (g)~~(f)~~ That the department will calculate support
306 obligations based on the child support guidelines schedule in s.
307 61.30 and using all available information, as provided by
308 paragraph (5) (a), and will incorporate such obligations into a
309 proposed administrative support order.~~†~~

310 (h)~~(g)~~ That the department will send by regular mail to
311 both parents, or parent and caregiver if applicable, a copy of
312 the proposed administrative support order, the department's
313 child support worksheet, and any financial affidavits submitted
314 by a parent or prepared by the department.~~†~~

315 (i)~~(h)~~ That the parent from whom support is being sought
316 may file a request for a hearing in writing within 20 days after
317 the date of mailing or other service of the proposed
318 administrative support order or will be deemed to have waived
319 the right to request a hearing.~~†~~

320 (j)~~(i)~~ That if the parent from whom support is being
321 sought does not file a timely request for hearing after service
322 of the proposed administrative support order, the department
323 will issue an administrative support order that incorporates the
324 findings of the proposed administrative support order~~†~~ and any
325 agreed-upon parenting time plan. The department will send by

326 regular mail a copy of the administrative support order and any
 327 incorporated parenting time plan to both parents, ~~or to the~~
 328 parent and the caregiver, if applicable.†

329 ~~(k)-(j)~~ That after an administrative support order is
 330 rendered incorporating any agreed-upon parenting time plan, the
 331 department will file a copy of the order with the clerk of the
 332 circuit court.†

333 ~~(l)-(k)~~ That after an administrative support order is
 334 rendered, the department may enforce the administrative support
 335 order by any lawful means. The department does not have
 336 jurisdiction to enforce any parenting time plan that is
 337 incorporated into an administrative support order.†

338 ~~(m)-(l)~~ That either parent, or caregiver if applicable, may
 339 file at any time a civil action in a circuit court having
 340 jurisdiction and proper venue to determine parental support
 341 obligations, if any, and that a support order issued by a
 342 circuit court supersedes an administrative support order
 343 rendered by the department.†

344 ~~(n)-(m)~~ That neither the department nor the Division of
 345 Administrative Hearings has jurisdiction to ~~award or~~ change
 346 child custody or rights of parental contact or time-sharing, and
 347 these issues may be addressed only in circuit court. The
 348 department or the Division of Administrative Hearings may
 349 incorporate, if agreed to by both parents, a parenting time plan
 350 or Title IV-D Standard Parenting Time Plan when the

351 administrative support order is established.

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

355 2. The parent from whom support is being sought may state
356 in writing to the department his or her intention to address
357 issues concerning custody or rights to parental contact in
358 circuit court.

359 3. If the parent from whom support is being sought submits
360 the request authorized in subparagraph 1., or the statement
361 authorized in subparagraph 2. to the department within 20 days
362 after the receipt of the initial notice, the department shall
363 file a petition in circuit court for the determination of the
364 parent's child support obligations, and shall send to the parent
365 from whom support is being sought a copy of its petition, a
366 notice of commencement of action, and a request for waiver of
367 service of process as provided in the Florida Rules of Civil
368 Procedure.

369 4. If, within 10 days after receipt of the department's
370 petition and waiver of service, the parent from whom support is
371 being sought signs and returns the waiver of service form to the
372 department, the department shall terminate the administrative
373 proceeding without prejudice and proceed in circuit court.

374 5. In any circuit court action filed by the department
375 pursuant to this paragraph or filed by a parent from whom

376 support is being sought or other person pursuant to paragraph
 377 (m) ~~(l)~~ or paragraph (o) ~~(n)~~, the department shall be a party
 378 only with respect to those issues of support allowed and
 379 reimbursable under Title IV-D of the Social Security Act. It is
 380 the responsibility of the parent from whom support is being
 381 sought or other person to take the necessary steps to present
 382 other issues for the court to consider.

383 (o) ~~(n)~~ That if the parent from whom support is being
 384 sought files an action in circuit court and serves the
 385 department with a copy of the petition within 20 days after
 386 being served notice under this subsection, the administrative
 387 process ends without prejudice and the action must proceed in
 388 circuit court. ~~†~~

389 (p) ~~(e)~~ Information provided by the Office of State Courts
 390 Administrator concerning the availability and location of self-
 391 help programs for those who wish to file an action in circuit
 392 court but who cannot afford an attorney.

393
 394 The department may serve the notice of proceeding to establish
 395 an administrative support order and Title IV-D Standard
 396 Parenting Time Plans by certified mail, restricted delivery,
 397 return receipt requested. Alternatively, the department may
 398 serve the notice by any means permitted for service of process
 399 in a civil action. For purposes of this section, an authorized
 400 employee of the department may serve the notice and execute an

401 affidavit of service. Service by certified mail is completed
402 when the certified mail is received or refused by the addressee
403 or by an authorized agent as designated by the addressee in
404 writing. If a person other than the addressee signs the return
405 receipt, the department shall attempt to reach the addressee by
406 telephone to confirm whether the notice was received, and the
407 department shall document any telephonic communications. If
408 someone other than the addressee signs the return receipt, the
409 addressee does not respond to the notice, and the department is
410 unable to confirm that the addressee has received the notice,
411 service is not completed and the department shall attempt to
412 have the addressee served personally. The department shall
413 provide the parent from whom support is not being sought or the
414 caregiver with a copy of the notice by regular mail to the last
415 known address of the parent from whom support is not being
416 sought or caregiver.

417 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

418 (a) After serving notice upon a parent in accordance with
419 subsection (4), the department shall calculate that parent's
420 child support obligation under the child support guidelines
421 schedule as provided by s. 61.30, based on any timely financial
422 affidavits received and other information available to the
423 department. If either parent fails to comply with the
424 requirement to furnish a financial affidavit, the department may
425 proceed on the basis of information available from any source,

426 | if such information is sufficiently reliable and detailed to
427 | allow calculation of guideline schedule amounts under s. 61.30.
428 | If a parent receives public assistance and fails to submit a
429 | financial affidavit, the department may submit a financial
430 | affidavit or written declaration for that parent pursuant to s.
431 | 61.30(15). If there is a lack of sufficient reliable information
432 | concerning a parent's actual earnings for a current or past
433 | period, it shall be presumed for the purpose of establishing a
434 | support obligation that the parent had an earning capacity equal
435 | to the federal minimum wage during the applicable period.

436 | (b) The department shall send by regular mail to both
437 | parents, or to a parent and caregiver if applicable, copies of
438 | the proposed administrative support order, a copy of the Title
439 | IV-D Standard Parenting Time Plans, its completed child support
440 | worksheet, and any financial affidavits submitted by a parent or
441 | prepared by the department. The proposed administrative support
442 | order must contain the same elements as required for an
443 | administrative support order under paragraph (7)(e).

444 | (c) The department shall provide a notice of rights with
445 | the proposed administrative support order, which notice must
446 | inform the parent from whom support is being sought that:

447 | 1. The parent from whom support is being sought may,
448 | within 20 days after the date of mailing or other service of the
449 | proposed administrative support order, request a hearing by
450 | filing a written request for hearing in a form and manner

451 specified by the department;

452 2. If the parent from whom support is being sought files a
453 timely request for a hearing, the case shall be transferred to
454 the Division of Administrative Hearings, which shall conduct
455 further proceedings and may enter an administrative support
456 order;

457 3. A parent from whom support is being sought who fails to
458 file a timely request for a hearing shall be deemed to have
459 waived the right to a hearing, and the department may render an
460 administrative support order pursuant to paragraph (7)(b);

461 4. The parent from whom support is being sought may
462 consent in writing to entry of an administrative support order
463 without a hearing;

464 5. The parent from whom support is being sought may,
465 within 10 days after the date of mailing or other service of the
466 proposed administrative support order, contact a department
467 representative, at the address or telephone number specified in
468 the notice, to informally discuss the proposed administrative
469 support order and, if informal discussions are requested timely,
470 the time for requesting a hearing will be extended until 10 days
471 after the department notifies the parent that the informal
472 discussions have been concluded; and

473 6. If an administrative support order that establishes a
474 parent's support obligation and incorporates either a parenting
475 time plan or Title IV-D Standard Parenting Time Plan agreed to

476 by both parents is rendered, whether after a hearing or without
477 a hearing, the department may enforce the administrative support
478 order by any lawful means. The department does not have the
479 jurisdiction or authority to enforce a parenting time plan.

480 (d) If, after serving the proposed administrative support
481 order but before a final administrative support order is
482 rendered, the department receives additional information that
483 makes it necessary to amend the proposed administrative support
484 order, it shall prepare an amended proposed administrative
485 support order, with accompanying amended child support
486 worksheets and other material necessary to explain the changes,
487 and follow the same procedures set forth in paragraphs (b) and
488 (c).

489 (7) ADMINISTRATIVE SUPPORT ORDER.—

490 (a) If a hearing is held, the administrative law judge of
491 the Division of Administrative Hearings shall issue an
492 administrative support order that will include a parenting time
493 plan or Title IV-D Standard Parenting Time Plan agreed to by
494 both parents, or a final order denying an administrative support
495 order, which constitutes final agency action by the department.
496 The Division of Administrative Hearings shall transmit any such
497 order to the department for filing and rendering.

498 (b) If the parent from whom support is being sought does
499 not file a timely request for a hearing, the parent will be
500 deemed to have waived the right to request a hearing.

501 (c) If the parent from whom support is being sought waives
502 the right to a hearing, or consents in writing to the entry of
503 an order without a hearing, the department may render an
504 administrative support order that will include a parenting time
505 plan or Title IV-D Standard Parenting Time Plan agreed to by
506 both parents.

507 (d) The department shall send by regular mail a copy of
508 the administrative support order that will include a parenting
509 time plan or Title IV-D Standard Parenting Time Plan agreed to
510 by both parents, or the final order denying an administrative
511 support order, to both parents, or a parent and caregiver if
512 applicable. The parent from whom support is being sought shall
513 be notified of the right to seek judicial review of the
514 administrative support order in accordance with s. 120.68.

515 (e) An administrative support order must comply with ss.
516 61.13(1) and 61.30. The department shall develop a standard form
517 or forms for administrative support orders. An administrative
518 support order must provide and state findings, if applicable,
519 concerning:

- 520 1. The full name and date of birth of the child or
521 children;
- 522 2. The name of the parent from whom support is being
523 sought and the other parent or caregiver;
- 524 3. The parent's duty and ability to provide support;
- 525 4. The amount of the parent's monthly support obligation;

- 526 5. Any obligation to pay retroactive support;
- 527 6. The parent's obligation to provide for the health care
528 needs of each child, whether through health insurance,
529 contribution toward the cost of health insurance, payment or
530 reimbursement of health care expenses for the child, or any
531 combination thereof;
- 532 7. The beginning date of any required monthly payments and
533 health insurance;
- 534 8. That all support payments ordered must be paid to the
535 ~~Florida~~ State Disbursement Unit as provided by s. 61.1824;
- 536 9. That the parents, or caregiver if applicable, must file
537 with the department when the administrative support order is
538 rendered, if they have not already done so, and update as
539 appropriate the information required pursuant to paragraph
540 (13) (b);
- 541 10. That both parents, or parent and caregiver if
542 applicable, are required to promptly notify the department of
543 any change in their mailing addresses pursuant to paragraph
544 (13) (c); and
- 545 11. That if the parent ordered to pay support receives
546 reemployment assistance or unemployment compensation benefits,
547 the payor shall withhold, and transmit to the department, 40
548 percent of the benefits for payment of support, not to exceed
549 the amount owed.

550

551 An income deduction order as provided by s. 61.1301 must be
552 incorporated into the administrative support order or, if not
553 incorporated into the administrative support order, the
554 department or the Division of Administrative Hearings shall
555 render a separate income deduction order.

556 Section 5. Section 409.25633, Florida Statutes, is created
557 to read:

558 409.25633 Title IV-D Standard Parenting Time Plans.-

559 (1) The Title IV-D Standard Parenting Time Plans are
560 intended for use by parents and families with no domestic or
561 family violence concerns. A Title IV-D Standard Parenting Time
562 Plan must be included in any administrative action to establish
563 child support taken by the Title IV-D program to determine
564 paternity or to establish or modify support if the parents agree
565 upon it. If the parents do not agree to a Title IV-D Standard
566 Parenting Time Plan or if an agreed-upon parenting time plan is
567 not included, the Department of Revenue must enter an
568 administrative support order and refer the parents to the court
569 of appropriate jurisdiction to establish a parenting time plan.
570 The department must note on the referral that an administrative
571 support order has been entered. If a parenting time plan is not
572 included in the administrative support order entered under s.
573 409.2563, the department must provide information to the parents
574 on the process to establish such plan.

575 (2) If the parents live within 100 miles of each other and

576 the child is 3 years of age or older, the parent who owes
577 support shall have parenting time with the child:

578 (a) Every other weekend.—The second and fourth full
579 weekend of the month from 6 p.m. on Friday through 6 p.m. on
580 Sunday. The weekends may begin upon the child's release from
581 school on Friday and end on Sunday at 6 p.m. or when the child
582 returns to school on Monday morning. The weekend time may be
583 extended by holidays that fall on Friday or Monday;

584 (b) One evening per week.—One weekday beginning at 6 p.m.
585 and ending at 8 p.m. or if both parents agree, from when the
586 child is released from school until 8 p.m.;

587 (c) Thanksgiving break.—In even-numbered years, the
588 Thanksgiving break from 6 p.m. on the Wednesday before
589 Thanksgiving, until 6 p.m. on the Sunday following Thanksgiving.
590 If both parents agree, the Thanksgiving break parenting time may
591 begin upon the child's release from school and end upon the
592 child's return to school the following Monday;

593 (d) Winter break.—In odd-numbered years, the first half of
594 winter break, from the day school is released, beginning at 6
595 p.m. or, if both parents agree, upon the child's release from
596 school, until noon on December 26. In even-numbered years, the
597 second half of winter break from noon on December 26 until 6
598 p.m. on the day before school resumes, or, if both parents
599 agree, upon the child's return to school;

600 (e) Spring break.—In even-numbered years, the week of

601 spring break from 6 p.m. the day that school is released until 6
602 p.m. the night before school resumes. If both parents agree, the
603 spring break parenting time may begin upon the child's release
604 from school and end upon the child's return to school the
605 following Monday; and

606 (f) Summer break.—Two weeks in the summer beginning at 6
607 p.m. the first Sunday following the last day of school.

608 (3) If the parents live more than 100 miles from each
609 other and the child is 3 years of age or older, the parties may
610 agree to follow the schedule set forth in subsection (2), or
611 else the parent who owes child support has parenting time with
612 the child:

613 (a) One weekend per month.—The second or fourth full
614 weekend of the month throughout the year beginning Friday at 6
615 p.m. through Sunday at 6 p.m. The parent who owes child support
616 can choose the one weekend per month within 90 days after the
617 parents begin to live more than 100 miles apart; and

618 (b) Summer break.—Forty-two days of parenting time during
619 the summer months. The parent who is owed child support will
620 have parenting time one weekend beginning on Friday at 6 p.m.
621 through Sunday at 6 p.m. during any one extended period during
622 the summer.

623 (4) If the child is under 3 years of age, the parents may
624 agree on a parenting time plan that includes more frequent
625 visitation with shorter timeframes, gradually leading into

626 overnight visits and either a parenting time plan agreed to by
627 both parents or the Title IV-D Standard Parenting Time Plan set
628 out in this section.

629 (5) In the event the parents have not agreed on a
630 parenting schedule at the time of the child support hearing, the
631 department shall enter an administrative support order and refer
632 the parents to a court of appropriate jurisdiction for the
633 establishment of a parenting plan.

634 (6) The Title IV-D Standard Parenting Time Plans are not
635 intended for use by parents and families with domestic or family
636 violence concerns.

637 (7) If, after the incorporation of an agreed-upon
638 parenting time plan into an administrative support order, a
639 parent becomes concerned about the safety of the child during
640 the child's time with the other parent, a modification of the
641 parenting time plan may be sought through a court of appropriate
642 jurisdiction.

643 (8) The department shall create and provide a form for a
644 petition to establish a parenting time plan for parents who have
645 not agreed on a parenting schedule at the time of the child
646 support hearing. The department shall provide the form to the
647 parents but may not file the petition or represent either parent
648 at the hearing.

649 (9) The parents are not required to pay a fee to file the
650 petition to establish a parenting time plan.

651 (10) The department may adopt rules to implement and
 652 administer this section.

653 Section 6. Subsections (1) and (2) of section 409.2564,
 654 Florida Statutes, are amended to read:

655 409.2564 Actions for support.—

656 (1) In each case in which regular support payments are not
 657 being made as provided herein, the department shall institute,
 658 within 30 days after determination of the obligor's reasonable
 659 ability to pay, action as is necessary to secure the obligor's
 660 payment of current support and any arrearage that ~~which~~ may have
 661 accrued under an existing order of support, and, if a parenting
 662 time plan was not incorporated into the existing order of
 663 support and is appropriate, include either an agreed-upon
 664 parenting time plan or Title IV-D Standard Parenting Time Plan.

665 The department shall notify the program attorney in the judicial
 666 circuit in which the recipient resides setting forth the facts
 667 in the case, including the obligor's address, if known, and the
 668 public assistance case number. Whenever applicable, the
 669 procedures established under ~~the provisions of~~ chapter 88,
 670 Uniform Interstate Family Support Act, chapter 61, Dissolution
 671 of Marriage; Support; Time-sharing, chapter 39, Proceedings
 672 Relating to Children, chapter 984, Children and Families in Need
 673 of Services, and chapter 985, Delinquency; Interstate Compact on
 674 Juveniles, may govern actions instituted under ~~the provisions of~~
 675 this act, except that actions for support under chapter 39,

676 chapter 984, or chapter 985 brought pursuant to this act shall
677 not require any additional investigation or supervision by the
678 department.

679 (2) The order for support entered pursuant to an action
680 instituted by the department under ~~the provisions of~~ subsection
681 (1) shall require that the support payments be made periodically
682 to the department through the depository. An order for support
683 entered under the provisions of subsection (1) must include
684 either an agreed-upon parenting time plan or Title IV-D Standard
685 Parenting Time Plan, if appropriate. Upon receipt of a payment
686 made by the obligor pursuant to any order of the court, the
687 depository shall transmit the payment to the department within 2
688 working days, except those payments made by personal check which
689 shall be disbursed in accordance with s. 61.181. Upon request,
690 the depository shall furnish to the department a certified
691 statement of all payments made by the obligor. Such statement
692 shall be provided by the depository at no cost to the
693 department.

694 Section 7. Paragraph (g) of subsection (2) and paragraph
695 (a) of subsection (4) of section 409.256, Florida Statutes, are
696 amended to read:

697 409.256 Administrative proceeding to establish paternity
698 or paternity and child support; order to appear for genetic
699 testing.—

700 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO

701 THE COURTS.—

702 (g) Section 409.2563(2)(h), (i), and (j) ~~409.2563(2)(e),~~
 703 ~~(f), and (g)~~ apply to a proceeding under this section.

704 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
 705 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
 706 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue
 707 shall commence a proceeding to determine paternity, or a
 708 proceeding to determine both paternity and child support, by
 709 serving the respondent with a notice as provided in this
 710 section. An order to appear for genetic testing may be served at
 711 the same time as a notice of the proceeding or may be served
 712 separately. A copy of the affidavit or written declaration upon
 713 which the proceeding is based shall be provided to the
 714 respondent when notice is served. A notice or order to appear
 715 for genetic testing shall be served by certified mail,
 716 restricted delivery, return receipt requested, or in accordance
 717 with the requirements for service of process in a civil action.
 718 Service by certified mail is completed when the certified mail
 719 is received or refused by the addressee or by an authorized
 720 agent as designated by the addressee in writing. If a person
 721 other than the addressee signs the return receipt, the
 722 department shall attempt to reach the addressee by telephone to
 723 confirm whether the notice was received, and the department
 724 shall document any telephonic communications. If someone other
 725 than the addressee signs the return receipt, the addressee does

726 | not respond to the notice, and the department is unable to
727 | confirm that the addressee has received the notice, service is
728 | not completed and the department shall attempt to have the
729 | addressee served personally. For purposes of this section, an
730 | employee or an authorized agent of the department may serve the
731 | notice or order to appear for genetic testing and execute an
732 | affidavit of service. The department may serve an order to
733 | appear for genetic testing on a caregiver. The department shall
734 | provide a copy of the notice or order to appear by regular mail
735 | to the mother and caregiver, if they are not respondents.

736 | (a) A notice of proceeding to establish paternity must
737 | state:

738 | 1. That the department has commenced an administrative
739 | proceeding to establish whether the putative father is the
740 | biological father of the child named in the notice.

741 | 2. The name and date of birth of the child and the name of
742 | the child's mother.

743 | 3. That the putative father has been named in an affidavit
744 | or written declaration that states the putative father is or may
745 | be the child's biological father.

746 | 4. That the respondent is required to submit to genetic
747 | testing.

748 | 5. That genetic testing will establish either a high
749 | degree of probability that the putative father is the biological
750 | father of the child or that the putative father cannot be the

751 biological father of the child.

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

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

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

761 b. Commence a proceeding, as provided in s. 409.2563, to
762 establish an administrative support order for the child. Notice
763 of the proceeding shall be provided to the respondent by regular
764 mail.

765 8. That, if the genetic test results indicate a
766 statistical probability of paternity that equals or exceeds 99
767 percent and a proceeding to establish an administrative support
768 order is commenced, the department shall issue a proposed order
769 that addresses paternity and child support. The respondent may
770 consent to or contest the proposed order at an administrative
771 hearing.

772 9. That if a proposed order of paternity or proposed order
773 of both paternity and child support is not contested, the
774 department shall adopt the proposed order and render a final
775 order that establishes paternity and, if appropriate, an

776 administrative support order for the child.

777 10. That, until the proceeding is ended, the respondent
778 shall notify the department in writing of any change in the
779 respondent's mailing address and that the respondent shall be
780 deemed to have received any subsequent order, notice, or other
781 paper mailed to the most recent address provided or, if a more
782 recent address is not provided, to the address at which the
783 respondent was served, and that this requirement continues if
784 the department renders a final order that establishes paternity
785 and a support order for the child.

786 11. That the respondent may file an action in circuit
787 court for a determination of paternity, child support
788 obligations, or both.

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

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

797

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

801 Section 8. Subsection (5) of section 409.2572, Florida
 802 Statutes, is amended to read:

803 409.2572 Cooperation.—

804 (5) As used in this section only, the term "applicant for
 805 or recipient of public assistance for a dependent child" refers
 806 to such applicants and recipients of public assistance as
 807 defined in s. 409.2554(12) ~~s. 409.2554(8)~~, with the exception of
 808 applicants for or recipients of Medicaid solely for the benefit
 809 of a dependent child.

810 Section 9. For the 2017-2018 fiscal year, the following
 811 sums are appropriated for the purpose of implementing this act:

812 (1) The sum of \$419,520 in nonrecurring funds is
 813 appropriated from the General Revenue Fund to the Department of
 814 Revenue for contracted services.

815 (2) The sum of \$20,729 in recurring funds is appropriated
 816 from the General Revenue Fund to the Department of Revenue for
 817 expenses.

818 (3) The sum of \$91,127 in recurring funds is appropriated
 819 from the General Revenue Fund to the Department of Revenue for
 820 salaries and benefits.

821 Section 10. This act shall take effect January 1, 2018.