

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

26 | time plan or a signed Title IV-D Standard Parenting  
27 | Time Plan in a child support order; amending ss.  
28 | 409.256 and 409.2572, F.S.; conforming cross-  
29 | references; requiring the department to submit a  
30 | report to the Governor and Legislature by a specified  
31 | date; specifying requirements for the report;  
32 | providing appropriations; providing an effective date.  
33 |

34 | Be It Enacted by the Legislature of the State of Florida:  
35 |

36 | Section 1. Section 409.2551, Florida Statutes, is amended  
37 | to read:

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

51 augmented by additional remedies directed to the resources of  
 52 the responsible parents. In order to render resources more  
 53 immediately available to meet the needs of dependent children,  
 54 it is the legislative intent that the remedies provided herein  
 55 are in addition to, and not in lieu of, existing remedies. It is  
 56 declared to be the public policy of this state that this act be  
 57 construed and administered to the end that children shall be  
 58 maintained from the resources of their parents, thereby  
 59 relieving, at least in part, the burden presently borne by the  
 60 general citizenry through public assistance programs. It is also  
 61 the public policy of this state to encourage frequent contact  
 62 between a child and each parent to optimize the development of a  
 63 close and continuing relationship between each parent and the  
 64 child.

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 that 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 plan set forth in s. 409.25633 includes timetables  
 131 that specify the time, including overnights and holidays, that a  
 132 child 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, establish, modify, enforce, or  
 157 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 and signed by the parents, and ~~as well as~~ the modification,  
 179 enforcement, 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 plan may not be included in the initial  
 198 administrative order and the order must include a statement  
 199 explaining its absence.

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



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

203 (d) Any notification provided by the department may not  
204 include a Title IV-D Standard Parenting Time Plan 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 and signed by both parents, a  
212 parenting time plan or Title IV-D Standard Parenting Time Plan.  
213 This section does not grant jurisdiction to the department or  
214 the Division of Administrative Hearings to hear or determine  
215 issues of dissolution of marriage, separation, alimony or  
216 spousal support, termination of parental rights, dependency,  
217 disputed paternity, except for a determination of paternity as  
218 provided in s. 409.256, ~~or award of~~ or change of time-sharing.  
219 If both parents have agreed to and signed a parenting time plan  
220 before the establishment of the administrative support order,  
221 the department or the Division of Administrative Hearings shall  
222 incorporate the agreed-upon parenting time plan into the  
223 administrative support order. This paragraph notwithstanding,  
224 the department and the Division of Administrative Hearings may  
225 make findings of fact that are necessary for a proper

226 determination of a parent's support obligation as authorized by  
227 this section.

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

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

250 (g)~~(d)~~ Either parent, or a caregiver if applicable, may at

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

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

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

276 (j)~~(g)~~ The notices and orders issued by the department  
 277 under this section shall be written clearly and plainly.

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

286 (a) The names of both parents, the name of the caregiver,  
 287 if any, and the name and date of birth of the child or 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  
 292 and signed by both parents, into the administrative support  
 293 order;

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

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

301        (f)~~(e)~~ That both parents, or parent and caregiver if  
302 applicable, are required to promptly notify the department of  
303 any change in their mailing addresses to ensure receipt of all  
304 subsequent pleadings, notices, and orders, as provided by  
305 paragraph (13) (c);

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

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

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

321        (j)~~(i)~~ That if the parent from whom support is being  
322 sought does not file a timely request for hearing after service  
323 of the proposed administrative support order, the department  
324 will issue an administrative support order that incorporates the  
325 findings of the proposed administrative support order, and any

326 agreed-upon parenting time plan. The department will send by  
327 regular mail a copy of the administrative support order and any  
328 incorporated parenting time plan to both parents, or to the  
329 parent and the caregiver, if applicable;

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

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

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

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

351 parenting time plan or Title IV-D Standard Parenting Time Plan  
352 when the administrative support order is established.

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

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

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

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

375 5. In any circuit court action filed by the department

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

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

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

394 |

395 | The department may serve the notice of proceeding to establish  
396 | an administrative support order and agreed-upon parenting time  
397 | plan or Title IV-D Standard Parenting Time Plan by certified  
398 | mail, restricted delivery, return receipt requested.

399 | Alternatively, the department may serve the notice by any means  
400 | permitted for service of process in a civil action. For purposes



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

418 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

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

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

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

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

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

451 filing a written request for hearing in a form and manner  
452 specified by the department;

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

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

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

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

474 6. If an administrative support order that establishes a  
475 parent's support obligation and incorporates either a parenting

476 time plan or Title IV-D Standard Parenting Time Plan agreed to  
477 and signed by both parents is rendered, whether after a hearing  
478 or without a hearing, the department may enforce the  
479 administrative support order by any lawful means. The department  
480 does not have the jurisdiction or authority to enforce a  
481 parenting time plan.

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

491 (7) ADMINISTRATIVE SUPPORT ORDER.—

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

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

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

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

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

- 523 1. The full name and date of birth of the child or  
524 children;
- 525 2. The name of the parent from whom support is being

526 | sought and the other parent or caregiver;

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

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

529 |       5. Any obligation to pay retroactive support;

530 |       6. The parent's obligation to provide for the health care

531 | needs of each child, whether through health insurance,

532 | contribution toward the cost of health insurance, payment or

533 | reimbursement of health care expenses for the child, or any

534 | combination thereof;

535 |       7. The beginning date of any required monthly payments and

536 | health insurance;

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

538 | ~~Florida~~ State Disbursement Unit as provided by s. 61.1824;

539 |       9. That the parents, or caregiver if applicable, must file

540 | with the department when the administrative support order is

541 | rendered, if they have not already done so, and update as

542 | appropriate the information required pursuant to paragraph

543 | (13) (b);

544 |       10. That both parents, or parent and caregiver if

545 | applicable, are required to promptly notify the department of

546 | any change in their mailing addresses pursuant to paragraph

547 | (13) (c); and

548 |       11. That if the parent ordered to pay support receives

549 | reemployment assistance or unemployment compensation benefits,

550 | the payor shall withhold, and transmit to the department, 40

551 percent of the benefits for payment of support, not to exceed  
552 the amount owed.

553

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

559 Section 5. Section 409.25633, Florida Statutes, is created  
560 to read:

561 409.25633 Title IV-D Standard Parenting Time Plans.—The  
562 best interest of the child is the primary consideration of the  
563 parenting time plan and special consideration should be given to  
564 the age and needs of each child. There is no presumption for or  
565 against the father or mother of the child or for or against any  
566 specific time-sharing schedule when a parenting time plan is  
567 created.

568 (1) A Title IV-D Standard Parenting Time Plan shall be  
569 presented to the parents in any administrative action taken by  
570 the Title IV-D program to establish or modify child support or  
571 to determine paternity. If the parents agree to the Title IV-D  
572 Standard Parenting Time Plan or to another parenting time plan,  
573 the plan must be signed by the parents and incorporated into the  
574 administrative order. If the parents do not agree to a Title IV-  
575 D Standard Parenting Time Plan or if an agreed-upon parenting

576 time plan is not included, the Department of Revenue must enter  
577 an administrative support order and refer the parents to the  
578 court of appropriate jurisdiction to establish a parenting time  
579 plan. The department must note on the referral that an  
580 administrative support order has been entered. If a parenting  
581 time plan is not included in the administrative support order  
582 entered pursuant to s. 409.2563, the department must provide  
583 information to the parents on the process to establish such a  
584 plan.

585 (2) The parent who owes support is entitled to parenting  
586 time with the child. If the parents do not have a signed,  
587 agreed-upon parenting time plan, the following Title IV-D  
588 Standard Parenting Time Plan must be incorporated into an  
589 administrative support order if agreed to and signed by the  
590 parents:

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

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

600 (c) Thanksgiving break.—In even-numbered years, the



601 Thanksgiving break from 6 p.m. on the Wednesday before  
602 Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.  
603 If both parents agree, the Thanksgiving break parenting time may  
604 begin upon the child's release from school and end upon the  
605 child's return to school the following Monday;

606 (d) Winter break.—In odd-numbered years, the first half of  
607 winter break, from the day school is released, beginning at 6  
608 p.m. or, if both parents agree, upon the child's release from  
609 school, until noon on December 26. In even-numbered years, the  
610 second half of winter break from noon on December 26 until 6  
611 p.m. on the day before school resumes or, if both parents agree,  
612 upon the child's return to school;

613 (e) Spring break.—In even-numbered years, the week of  
614 spring break from 6 p.m. the day the child is released from  
615 school until 6 p.m. the night before school resumes. If both  
616 parents agree, the spring break parenting time plan may begin  
617 upon the child's release from school and end upon the child's  
618 return to school the following Monday; and

619 (f) Summer break.—For 2 weeks in the summer beginning at 6  
620 p.m. the first Sunday following the last day of school.

621 (3) In the event the parents have not agreed on a  
622 parenting schedule at the time of the child support hearing, the  
623 department shall enter an administrative support order and refer  
624 the parents to a court of appropriate jurisdiction for the  
625 establishment of a parenting time plan.

626       (4) The Title IV-D Standard Parenting Time Plan is not  
 627 intended for use by, and may not be provided to, parents and  
 628 families with domestic or family violence concerns.

629       (5) After the incorporation of an agreed-upon parenting  
 630 time plan into an administrative support order, a modification  
 631 of the parenting time plan may be sought through a court of  
 632 appropriate jurisdiction.

633       (6) The department shall create and provide a form for a  
 634 petition to establish a parenting time plan for parents who have  
 635 not agreed on a parenting schedule at the time of the child  
 636 support hearing. The department shall provide the form to the  
 637 parents, but may not file the petition or represent either  
 638 parent at the hearing.

639       (7) The parents may not be required to pay a fee to file  
 640 the petition to establish a parenting time plan.

641       (8) The department may adopt rules to implement and  
 642 administer this section.

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

645       409.2564 Actions for support.—

646       (1) In each case in which regular support payments are not  
 647 being made as provided herein, the department shall institute,  
 648 within 30 days after determination of the obligor's reasonable  
 649 ability to pay, action as is necessary to secure the obligor's  
 650 payment of current support and any arrearage that ~~which~~ may have

651 accrued under an existing order of support, and, if a parenting  
652 time plan was not incorporated into the existing order of  
653 support, to include either a signed, agreed-upon parenting time  
654 plan or a signed Title IV-D Standard Parenting Time Plan, if  
655 appropriate. The department shall notify the program attorney in  
656 the judicial circuit in which the recipient resides setting  
657 forth the facts in the case, including the obligor's address, if  
658 known, and the public assistance case number. Whenever  
659 applicable, the procedures established under ~~the provisions of~~  
660 chapter 88, Uniform Interstate Family Support Act, chapter 61,  
661 Dissolution of Marriage; Support; Time-sharing, chapter 39,  
662 Proceedings Relating to Children, chapter 984, Children and  
663 Families in Need of Services, and chapter 985, Delinquency;  
664 Interstate Compact on Juveniles, may govern actions instituted  
665 under ~~the provisions of~~ this act, except that actions for  
666 support under chapter 39, chapter 984, or chapter 985 brought  
667 pursuant to this act shall not require any additional  
668 investigation or supervision by the department.

669 (2) The order for support entered pursuant to an action  
670 instituted by the department under ~~the provisions of~~ subsection  
671 (1) shall require that the support payments be made periodically  
672 to the department through the depository. An order for support  
673 entered under subsection (1) must include either a signed,  
674 agreed-upon parenting time plan or a signed Title IV-D Standard  
675 Parenting Time Plan, if appropriate. Upon receipt of a payment

676 made by the obligor pursuant to any order of the court, the  
 677 depository shall transmit the payment to the department within 2  
 678 working days, except those payments made by personal check which  
 679 shall be disbursed in accordance with s. 61.181. Upon request,  
 680 the depository shall furnish to the department a certified  
 681 statement of all payments made by the obligor. Such statement  
 682 shall be provided by the depository at no cost to the  
 683 department.

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

687 409.256 Administrative proceeding to establish paternity  
 688 or paternity and child support; order to appear for genetic  
 689 testing.—

690 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO  
 691 THE COURTS.—

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

694 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR  
 695 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC  
 696 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue  
 697 shall commence a proceeding to determine paternity, or a  
 698 proceeding to determine both paternity and child support, by  
 699 serving the respondent with a notice as provided in this  
 700 section. An order to appear for genetic testing may be served at

701 the same time as a notice of the proceeding or may be served  
702 separately. A copy of the affidavit or written declaration upon  
703 which the proceeding is based shall be provided to the  
704 respondent when notice is served. A notice or order to appear  
705 for genetic testing shall be served by certified mail,  
706 restricted delivery, return receipt requested, or in accordance  
707 with the requirements for service of process in a civil action.  
708 Service by certified mail is completed when the certified mail  
709 is received or refused by the addressee or by an authorized  
710 agent as designated by the addressee in writing. If a person  
711 other than the addressee signs the return receipt, the  
712 department shall attempt to reach the addressee by telephone to  
713 confirm whether the notice was received, and the department  
714 shall document any telephonic communications. If someone other  
715 than the addressee signs the return receipt, the addressee does  
716 not respond to the notice, and the department is unable to  
717 confirm that the addressee has received the notice, service is  
718 not completed and the department shall attempt to have the  
719 addressee served personally. For purposes of this section, an  
720 employee or an authorized agent of the department may serve the  
721 notice or order to appear for genetic testing and execute an  
722 affidavit of service. The department may serve an order to  
723 appear for genetic testing on a caregiver. The department shall  
724 provide a copy of the notice or order to appear by regular mail  
725 to the mother and caregiver, if they are not respondents.

726 (a) A notice of proceeding to establish paternity must  
727 state:

728 1. That the department has commenced an administrative  
729 proceeding to establish whether the putative father is the  
730 biological father of the child named in the notice.

731 2. The name and date of birth of the child and the name of  
732 the child's mother.

733 3. That the putative father has been named in an affidavit  
734 or written declaration that states the putative father is or may  
735 be the child's biological father.

736 4. That the respondent is required to submit to genetic  
737 testing.

738 5. That genetic testing will establish either a high  
739 degree of probability that the putative father is the biological  
740 father of the child or that the putative father cannot be the  
741 biological father of the child.

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

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

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

751           b. Commence a proceeding, as provided in s. 409.2563, to  
752 establish an administrative support order for the child. Notice  
753 of the proceeding shall be provided to the respondent by regular  
754 mail.

755           8. That, if the genetic test results indicate a  
756 statistical probability of paternity that equals or exceeds 99  
757 percent and a proceeding to establish an administrative support  
758 order is commenced, the department shall issue a proposed order  
759 that addresses paternity and child support. The respondent may  
760 consent to or contest the proposed order at an administrative  
761 hearing.

762           9. That if a proposed order of paternity or proposed order  
763 of both paternity and child support is not contested, the  
764 department shall adopt the proposed order and render a final  
765 order that establishes paternity and, if appropriate, an  
766 administrative support order for the child.

767           10. That, until the proceeding is ended, the respondent  
768 shall notify the department in writing of any change in the  
769 respondent's mailing address and that the respondent shall be  
770 deemed to have received any subsequent order, notice, or other  
771 paper mailed to the most recent address provided or, if a more  
772 recent address is not provided, to the address at which the  
773 respondent was served, and that this requirement continues if  
774 the department renders a final order that establishes paternity  
775 and a support order for the child.

776 11. That the respondent may file an action in circuit  
 777 court for a determination of paternity, child support  
 778 obligations, or both.

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

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

787  
 788 A notice under this paragraph must also notify the respondent of  
 789 the provisions in s. 409.2563(4)(n) and (p) ~~s. 409.2563(4)(m)~~  
 790 ~~and (o)~~.

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

793 409.2572 Cooperation.—

794 (5) As used in this section only, the term "applicant for  
 795 or recipient of public assistance for a dependent child" refers  
 796 to such applicants and recipients of public assistance as  
 797 defined in s. 409.2554(12) ~~s. 409.2554(8)~~, with the exception of  
 798 applicants for or recipients of Medicaid solely for the benefit  
 799 of a dependent child.

800 Section 9. The Department of Revenue shall report to the



801 Governor, the President of the Senate, and the Speaker of the  
802 House of Representatives by December 31, 2018, on the status of  
803 the implementation of this act, including the number of  
804 parenting time plans entered with administrative support orders  
805 and the number of parents referred to the circuit court to  
806 determine parenting time plans. The report must include  
807 recommendations to facilitate further implementation of this  
808 act.

809       Section 10. For the 2017-2018 fiscal year, the sums of  
810 \$350,476 in recurring funds and \$690,650 in nonrecurring funds  
811 are appropriated from the General Revenue Fund to the Department  
812 of Revenue for the purpose of implementing this act.

813       Section 11. This act shall take effect January 1, 2018.