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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2017	.	
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Appropriations Subcommittee on General Government (Brandes)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

409.2551 Legislative intent.—Common-law and statutory
procedures governing the remedies for enforcement of support for
financially dependent children by persons responsible for their
support have not proven sufficiently effective or efficient to



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11 cope with the increasing incidence of financial dependency. The
12 increasing workload of courts, prosecuting attorneys, and the
13 Attorney General has resulted in a growing burden on the
14 financial resources of the state, which is constrained to
15 provide public assistance for basic maintenance requirements
16 when parents fail to meet their primary obligations. The state,
17 therefore, exercising its police and sovereign powers, declares
18 that the common-law and statutory remedies pertaining to family
19 desertion and nonsupport of dependent children shall be
20 augmented by additional remedies directed to the resources of
21 the responsible parents. In order to render resources more
22 immediately available to meet the needs of dependent children,
23 it is the legislative intent that the remedies provided herein
24 are in addition to, and not in lieu of, existing remedies. It is
25 declared to be the public policy of this state that this act be
26 construed and administered to the end that children shall be
27 maintained from the resources of their parents, thereby
28 relieving, at least in part, the burden presently borne by the
29 general citizenry through public assistance programs. It is also
30 the public policy of this state to encourage frequent contact
31 between a child and each parent to optimize the development of a
32 close and continuing relationship between each parent and the
33 child.

34 Section 2. Section 409.2554, Florida Statutes, is reordered
35 and amended to read:

36 409.2554 Definitions; ss. 409.2551-409.2598.—As used in ss.
37 409.2551-409.2598, the term:

38 (5)~~(1)~~ "Department" means the Department of Revenue.

39 (6)~~(2)~~ "Dependent child" means any unemancipated person



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40 under the age of 18, any person under the age of 21 and still in
41 school, or any person who is mentally or physically
42 incapacitated when such incapacity began before ~~prior to~~ such
43 person reaching the age of 18. This definition may ~~shall~~ not be
44 construed to impose an obligation for child support beyond the
45 child's attainment of majority except as imposed in s. 409.2561.

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

47 (4) "Court order" means any judgment or order of any court
48 of appropriate jurisdiction of the state, or an order of a court
49 of competent jurisdiction of another state, ordering payment of
50 a set or determinable amount of support money.

51 (7)~~(5)~~ "Health insurance" means coverage under a fee-for-
52 service arrangement, health maintenance organization, or
53 preferred provider organization, and other types of coverage
54 available to either parent, under which medical services could
55 be provided to a dependent child.

56 (8)~~(6)~~ "Obligee" means the person to whom support payments
57 are made pursuant to an alimony or child support order.

58 (9)~~(7)~~ "Obligor" means a person who is responsible for
59 making support payments pursuant to an alimony or child support
60 order.

61 (12)~~(8)~~ "Public assistance" means money assistance paid on
62 the basis of Title IV-E and Title XIX of the Social Security
63 Act, temporary cash assistance, or food assistance benefits
64 received on behalf of a child under 18 years of age who has an
65 absent parent.

66 (10)~~(9)~~ "Program attorney" means an attorney employed by
67 the department, under contract with the department, or employed
68 by a contractor of the department, to provide legal



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69 representation for the department in a proceeding related to the
70 determination of paternity or the establishment, modification,
71 or enforcement of support brought pursuant to law.

72 (11)~~(10)~~ "Prosecuting attorney" means any private attorney,
73 county attorney, city attorney, state attorney, program
74 attorney, or an attorney employed by an entity of a local
75 political subdivision who engages in legal action related to the
76 determination of paternity or the establishment, modification,
77 or enforcement of support brought pursuant to this act.

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

84 (14) "State Disbursement Unit" means the unit established
85 and operated by the Title IV-D agency to provide one central
86 address for collection and disbursement of child support
87 payments made in cases enforced by the department pursuant to
88 Title IV-D of the Social Security Act and in cases not being
89 enforced by the department in which the support order was
90 initially issued in this state on or after January 1, 1994, and
91 in which the obligor's child support obligation is being paid
92 through income deduction order.

93 (16) "Title IV-D Standard Parenting Time Plan" means a
94 document which may be agreed to by the parents to govern the
95 relationship between the parents and to provide the parent who
96 owes support a reasonable minimum amount of time with his or her
97 child. The plan set forth in s. 409.25633 include timetables



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98 that specify the time, including overnights and holidays, that a
99 child may spend with each parent.

100 (15)-(11) "Support," unless otherwise specified, means:

101 (a) Child support, and, when the child support obligation
102 is being enforced by the Department of Revenue, spousal support
103 or alimony for the spouse or former spouse of the obligor with
104 whom the child is living.

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

107 (1)-(12) "Administrative costs" means any costs, including
108 attorney's fees, clerk's filing fees, recording fees and other
109 expenses incurred by the clerk of the circuit court, service of
110 process fees, or mediation costs, incurred by the Title IV-D
111 agency in its effort to administer the Title IV-D program. The
112 administrative costs that ~~which~~ must be collected by the
113 department shall be assessed on a case-by-case basis based upon
114 a method for determining costs approved by the Federal
115 Government. The administrative costs shall be assessed
116 periodically by the department. The methodology for determining
117 administrative costs shall be made available to the judge or any
118 party who requests it. Only those amounts ordered independent of
119 current support, arrears, or past public assistance obligation
120 shall be considered and applied toward administrative costs.

121 (2)-(13) "Child support services" includes any civil,
122 criminal, or administrative action taken by the Title IV-D
123 program to determine paternity, establish, modify, enforce, or
124 collect support.

125 (17)-(14) "Undistributable collection" means a support
126 payment received by the department which the department



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127 determines cannot be distributed to the final intended
128 recipient.

129 ~~(15)~~ (18) "Unidentifiable collection" means a payment
130 received by the department for which a parent, depository or
131 circuit civil numbers, or source of the payment cannot be
132 identified.

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

135 409.2557 State agency for administering child support
136 enforcement program.—

137 (2) The department in its capacity as the state Title IV-D
138 agency has ~~shall have~~ the authority to take actions necessary to
139 carry out the public policy of ensuring that children are
140 maintained from the resources of their parents to the extent
141 possible. The department's authority includes ~~shall include~~, but
142 is not ~~be~~ limited to, the establishment of paternity or support
143 obligations, the establishment of a Title IV-D Standard
144 Parenting Time Plan or any other parenting time plan agreed to
145 and signed by the parents, and ~~as well as~~ the modification,
146 enforcement, and collection of support obligations.

147 Section 4. Subsections (2), (4), (5), and (7) of section
148 409.2563, Florida Statutes, are amended to read:

149 409.2563 Administrative establishment of child support
150 obligations.—

151 (2) PURPOSE AND SCOPE.—

152 (a) It is not the Legislature's intent to limit the
153 jurisdiction of the circuit courts to hear and determine issues
154 regarding child support or parenting time. This section is
155 intended to provide the department with an alternative procedure



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156 for establishing child support obligations and establishing a
157 parenting time plan only if the parents are in agreement, in
158 Title IV-D cases in a fair and expeditious manner when there is
159 no court order of support. The procedures in this section are
160 effective throughout the state and shall be implemented
161 statewide.

162 (b) If the parents do not have an existing time sharing
163 schedule or parenting time plan and do not agree to a parenting
164 time plan, a plan will not be included in the initial
165 administrative order, only a statement explaining its absence.

166 (c) If the parents have a judicially established parenting
167 time plan, the plan will not be included in the administrative
168 or initial judicial order.

169 (d) Any notification provided by the department will not
170 include a Title IV-D Standard Parenting Time Plan if Florida is
171 not the child's home state, when one parent does not reside in
172 Florida, if either parent has requested nondisclosure for fear
173 of harm from the other parent, or when the parent who owes
174 support is incarcerated.

175 (e) ~~(b)~~ The administrative procedure set forth in this
176 section concerns only the establishment of child support
177 obligations and, if agreed to and signed by both parents, a
178 parenting time plan or Title IV-D Standard Parenting Time Plan.

179 This section does not grant jurisdiction to the department or
180 the Division of Administrative Hearings to hear or determine
181 issues of dissolution of marriage, separation, alimony or
182 spousal support, termination of parental rights, dependency,
183 disputed paternity, except for a determination of paternity as
184 provided in s. 409.256, ~~or award of~~ or change of time-sharing.



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185 If both parents have agreed to and signed a parenting time plan
186 before the establishment of the administrative support order,
187 the department or the Division of Administrative Hearings will
188 incorporate the agreed-upon parenting time plan into the
189 administrative support order. This paragraph notwithstanding,
190 the department and the Division of Administrative Hearings may
191 make findings of fact that are necessary for a proper
192 determination of a parent's support obligation as authorized by
193 this section.

194 (f)(e) If there is no support order for a child in a Title
195 IV-D case whose paternity has been established or is presumed by
196 law, or whose paternity is the subject of a proceeding under s.
197 409.256, the department may establish a parent's child support
198 obligation pursuant to this section, s. 61.30, and other
199 relevant provisions of state law. The administrative support
200 order will include a parenting time plan or Title IV-D Standard
201 Parenting Time Plan as agreed to and signed by both parents. The
202 parent's obligation determined by the department may include any
203 obligation to pay retroactive support and any obligation to
204 provide for health care for a child, whether through insurance
205 coverage, reimbursement of expenses, or both. The department may
206 proceed on behalf of:

- 207 1. An applicant or recipient of public assistance, as
208 provided by ss. 409.2561 and 409.2567;
209 2. A former recipient of public assistance, as provided by
210 s. 409.2569;
211 3. An individual who has applied for services as provided
212 by s. 409.2567;
213 4. Itself or the child, as provided by s. 409.2561; or



214 5. A state or local government of another state, as
215 provided by chapter 88.

216 (g)~~(d)~~ Either parent, or a caregiver if applicable, may at
217 any time file a civil action in a circuit court having
218 jurisdiction and proper venue to determine parental support
219 obligations, if any. A support order issued by a circuit court
220 prospectively supersedes an administrative support order
221 rendered by the department.

222 (h)~~(e)~~ Pursuant to paragraph (e) ~~(b)~~, neither the
223 department nor the Division of Administrative Hearings has
224 jurisdiction to ~~award or~~ change child custody or rights of
225 parental contact. The department or the Division of
226 Administrative Hearings will incorporate a parenting time plan
227 or Title IV-D Standard Parenting Time Plan as agreed to and
228 signed by both parents into the administrative support order.
229 Either parent may at any time file a civil action in a circuit
230 having jurisdiction and proper venue for a determination of
231 child custody and rights of parental contact.

232 (i)~~(f)~~ The department shall terminate the administrative
233 proceeding and file an action in circuit court to determine
234 support if within 20 days after receipt of the initial notice
235 the parent from whom support is being sought requests in writing
236 that the department proceed in circuit court or states in
237 writing his or her intention to address issues concerning time-
238 sharing or rights to parental contact in court and if within 10
239 days after receipt of the department's petition and waiver of
240 service the parent from whom support is being sought signs and
241 returns the waiver of service form to the department.

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



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243 under this section shall be written clearly and plainly.

244 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
245 SUPPORT ORDER.—To commence a proceeding under this section, the
246 department shall provide to the parent from whom support is not
247 being sought and serve the parent from whom support is being
248 sought with a notice of proceeding to establish administrative
249 support order, a copy of the Title IV-D Standard Parenting Time
250 Plan, and a blank financial affidavit form. The notice must
251 state:

252 (a) The names of both parents, the name of the caregiver,
253 if any, and the name and date of birth of the child or children;

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

256 (c) That the department will incorporate a parenting time
257 plan or Title IV-D Standard Parenting Time Plan, as agreed to
258 and signed by both parents, into the administrative support
259 order;

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

263 ~~(e)-(d)~~ That both parents, or parent and caregiver if
264 applicable, are required to furnish to the department
265 information regarding their identities and locations, as
266 provided by paragraph (13) (b);

267 ~~(f)-(e)~~ That both parents, or parent and caregiver if
268 applicable, are required to promptly notify the department of
269 any change in their mailing addresses to ensure receipt of all
270 subsequent pleadings, notices, and orders, as provided by
271 paragraph (13) (c);



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272 (g)~~(f)~~ That the department will calculate support
273 obligations based on the child support guidelines schedule in s.
274 61.30 and using all available information, as provided by
275 paragraph (5) (a), and will incorporate such obligations into a
276 proposed administrative support order;

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

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

287 (j)~~(i)~~ That if the parent from whom support is being sought
288 does not file a timely request for hearing after service of the
289 proposed administrative support order, the department will issue
290 an administrative support order that incorporates the findings
291 of the proposed administrative support order, and any agreed-
292 upon parenting time plan. The department will send by regular
293 mail a copy of the administrative support order and any
294 incorporated parenting time plan to both parents, or parent and
295 caregiver if applicable;

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

300 (l)~~(k)~~ That after an administrative support order is



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301 rendered, the department may enforce the administrative support
302 order by any lawful means. The department does not have
303 jurisdiction to enforce any parenting time plan that is
304 incorporated into an administrative support order;

305 (m) ~~(l)~~ That either parent, or caregiver if applicable, may
306 file at any time a civil action in a circuit court having
307 jurisdiction and proper venue to determine parental support
308 obligations, if any, and that a support order issued by a
309 circuit court supersedes an administrative support order
310 rendered by the department;

311 (n) ~~(m)~~ That neither the department nor the Division of
312 Administrative Hearings has jurisdiction to ~~award or~~ change
313 child custody or rights of parental contact or time-sharing, and
314 these issues may be addressed only in circuit court. The
315 department or the Division of Administrative Hearings may
316 incorporate, if agreed to and signed by both parents, a
317 parenting time plan or Title IV-D Standard Parenting Time Plan
318 when the administrative support order is established.

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

322 2. The parent from whom support is being sought may state
323 in writing to the department his or her intention to address
324 issues concerning custody or rights to parental contact in
325 circuit court.

326 3. If the parent from whom support is being sought submits
327 the request authorized in subparagraph 1., or the statement
328 authorized in subparagraph 2. to the department within 20 days
329 after the receipt of the initial notice, the department shall



330 file a petition in circuit court for the determination of the
331 parent's child support obligations, and shall send to the parent
332 from whom support is being sought a copy of its petition, a
333 notice of commencement of action, and a request for waiver of
334 service of process as provided in the Florida Rules of Civil
335 Procedure.

336 4. If, within 10 days after receipt of the department's
337 petition and waiver of service, the parent from whom support is
338 being sought signs and returns the waiver of service form to the
339 department, the department shall terminate the administrative
340 proceeding without prejudice and proceed in circuit court.

341 5. In any circuit court action filed by the department
342 pursuant to this paragraph or filed by a parent from whom
343 support is being sought or other person pursuant to paragraph
344 (m) ~~(l)~~ or paragraph (o) ~~(n)~~, the department shall be a party
345 only with respect to those issues of support allowed and
346 reimbursable under Title IV-D of the Social Security Act. It is
347 the responsibility of the parent from whom support is being
348 sought or other person to take the necessary steps to present
349 other issues for the court to consider;—

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

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



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The department may serve the notice of proceeding to establish an administrative support order and agreed-upon parenting plan or Title IV-D Standard Parenting Time Plan by certified mail, restricted delivery, return receipt requested. Alternatively, the department may serve the notice by any means permitted for service of process in a civil action. For purposes of this section, an authorized employee of the department may serve the notice and execute an affidavit of service. Service by certified mail is completed when the certified mail is received or refused by the addressee or by an authorized agent as designated by the addressee in writing. If a person other than the addressee signs the return receipt, the department shall attempt to reach the addressee by telephone to confirm whether the notice was received, and the department shall document any telephonic communications. If someone other than the addressee signs the return receipt, the addressee does not respond to the notice, and the department is unable to confirm that the addressee has received the notice, service is not completed and the department shall attempt to have the addressee served personally. The department shall provide the parent from whom support is not being sought or the caregiver with a copy of the notice by regular mail to the last known address of the parent from whom support is not being sought or caregiver.

(5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

(a) After serving notice upon a parent in accordance with subsection (4), the department shall calculate that parent's child support obligation under the child support guidelines schedule as provided by s. 61.30, based on any timely financial



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388 affidavits received and other information available to the
389 department. If either parent fails to comply with the
390 requirement to furnish a financial affidavit, the department may
391 proceed on the basis of information available from any source,
392 if such information is sufficiently reliable and detailed to
393 allow calculation of guideline schedule amounts under s. 61.30.
394 If a parent receives public assistance and fails to submit a
395 financial affidavit, the department may submit a financial
396 affidavit or written declaration for that parent pursuant to s.
397 61.30(15). If there is a lack of sufficient reliable information
398 concerning a parent's actual earnings for a current or past
399 period, it shall be presumed for the purpose of establishing a
400 support obligation that the parent had an earning capacity equal
401 to the federal minimum wage during the applicable period.

402 (b) The department shall send by regular mail to both
403 parents, or to a parent and caregiver if applicable, copies of
404 the proposed administrative support order, a copy of the Title
405 IV-D Standard Parenting Time Plan, its completed child support
406 worksheet, and any financial affidavits submitted by a parent or
407 prepared by the department. The proposed administrative support
408 order must contain the same elements as required for an
409 administrative support order under paragraph (7)(e).

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

413 1. The parent from whom support is being sought may, within
414 20 days after the date of mailing or other service of the
415 proposed administrative support order, request a hearing by
416 filing a written request for hearing in a form and manner



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417 specified by the department;

418 2. If the parent from whom support is being sought files a
419 timely request for a hearing, the case shall be transferred to
420 the Division of Administrative Hearings, which shall conduct
421 further proceedings and may enter an administrative support
422 order;

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

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

430 5. The parent from whom support is being sought may, within
431 10 days after the date of mailing or other service of the
432 proposed administrative support order, contact a department
433 representative, at the address or telephone number specified in
434 the notice, to informally discuss the proposed administrative
435 support order and, if informal discussions are requested timely,
436 the time for requesting a hearing will be extended until 10 days
437 after the department notifies the parent that the informal
438 discussions have been concluded; and

439 6. If an administrative support order that establishes a
440 parent's support obligation and incorporates either a parenting
441 time plan or Title IV-D Standard Parenting Time Plan agreed to
442 and signed by both parents is rendered, whether after a hearing
443 or without a hearing, the department may enforce the
444 administrative support order by any lawful means. The department
445 does not have the jurisdiction or authority to enforce a



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446 parenting time plan.

447 (d) If, after serving the proposed administrative support
448 order but before a final administrative support order is
449 rendered, the department receives additional information that
450 makes it necessary to amend the proposed administrative support
451 order, it shall prepare an amended proposed administrative
452 support order, with accompanying amended child support
453 worksheets and other material necessary to explain the changes,
454 and follow the same procedures set forth in paragraphs (b) and
455 (c).

456 (7) ADMINISTRATIVE SUPPORT ORDER.—

457 (a) If a hearing is held, the administrative law judge of
458 the Division of Administrative Hearings shall issue an
459 administrative support order that will include a parenting time
460 plan or Title IV-D Standard Parenting Time Plan agreed to and
461 signed by both parents, or a final order denying an
462 administrative support order, which constitutes final agency
463 action by the department. The Division of Administrative
464 Hearings shall transmit any such order to the department for
465 filing and rendering.

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

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



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475 (d) The department shall send by regular mail a copy of the
476 administrative support order that will include a parenting time
477 plan or Title IV-D Standard Parenting Time Plan agreed to and
478 signed by both parents, or the final order denying an
479 administrative support order, to both parents, or a parent and
480 caregiver if applicable. The parent from whom support is being
481 sought shall be notified of the right to seek judicial review of
482 the administrative support order in accordance with s. 120.68.

483 (e) An administrative support order must comply with ss.
484 61.13(1) and 61.30. The department shall develop a standard form
485 or forms for administrative support orders. An administrative
486 support order must provide and state findings, if applicable,
487 concerning:

- 488 1. The full name and date of birth of the child or
489 children;
- 490 2. The name of the parent from whom support is being sought
491 and the other parent or caregiver;
- 492 3. The parent's duty and ability to provide support;
- 493 4. The amount of the parent's monthly support obligation;
- 494 5. Any obligation to pay retroactive support;
- 495 6. The parent's obligation to provide for the health care
496 needs of each child, whether through health insurance,
497 contribution toward the cost of health insurance, payment or
498 reimbursement of health care expenses for the child, or any
499 combination thereof;
- 500 7. The beginning date of any required monthly payments and
501 health insurance;
- 502 8. That all support payments ordered must be paid to the
503 ~~Florida~~ State Disbursement Unit as provided by s. 61.1824;



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504 9. That the parents, or caregiver if applicable, must file
505 with the department when the administrative support order is
506 rendered, if they have not already done so, and update as
507 appropriate the information required pursuant to paragraph
508 (13) (b);

509 10. That both parents, or parent and caregiver if
510 applicable, are required to promptly notify the department of
511 any change in their mailing addresses pursuant to paragraph
512 (13) (c); and

513 11. That if the parent ordered to pay support receives
514 reemployment assistance or unemployment compensation benefits,
515 the payor shall withhold, and transmit to the department, 40
516 percent of the benefits for payment of support, not to exceed
517 the amount owed.

518
519 An income deduction order as provided by s. 61.1301 must be
520 incorporated into the administrative support order or, if not
521 incorporated into the administrative support order, the
522 department or the Division of Administrative Hearings shall
523 render a separate income deduction order.

524 Section 5. Section 409.25633, Florida Statutes, is created
525 to read:

526 409.25633. Title IV-D Standard Parenting Time Plans.-The
527 best interests of the child is the primary consideration of the
528 parenting plan and special consideration should be given to the
529 age and needs of each child. There is no presumption for or
530 against the father or mother of the child or for or against any
531 specific time-sharing schedule when a parenting time plan is
532 created.



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533 (1) A Title IV-D Standard Parenting Time Plan will be
534 presented to the parents in any administrative action taken by
535 the Title IV-D program to establish or modify child support or
536 to determine paternity. If the parents agree to the Title IV-D
537 Standard Parenting Time Plan or to another parenting time plan,
538 the plan must be signed by the parents and incorporated into the
539 administrative order. If the parents do not agree to a Title IV-
540 D Standard Parenting Time Plan or if an agreed-upon parenting
541 time plan is not included, the Department of Revenue must enter
542 an administrative support order and refer the parents to the
543 court of appropriate jurisdiction to establish a parenting time
544 plan. The department must note on the referral that an
545 administrative support order has been entered. If a parenting
546 time plan is not included in the administrative support order
547 entered under s. 409.2563, the department must provide
548 information to the parents on the process to establish such
549 plan.

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

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



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

565 (c) Thanksgiving break.—In even-numbered years, the
566 Thanksgiving break from 6 p.m. on the Wednesday before
567 Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.
568 If both parents agree, the Thanksgiving break parenting time may
569 begin upon the child's release from school and end upon the
570 child's return to school the following Monday;

571 (d) Winter break.—In odd-numbered years, the first half of
572 winter break, from the child's release from school, beginning at
573 6 p.m. or, if both parents agree, upon the child's release from
574 school, until noon on December 26. In even-numbered years, the
575 second half of winter break from noon on December 26 until 6
576 p.m. on the day before school resumes or, if both parents agree,
577 upon the child's return to school;

578 (e) Spring break.—In even-numbered years, the week of
579 spring break from 6 p.m. the day the child is released from
580 school until 6 p.m. the night before school resumes. If both
581 parents agree, the spring break parenting time may begin upon
582 the child's release from school and end upon the child's return
583 to school the following Monday; and

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

586 (4) In the event the parents have not agreed on a parenting
587 schedule at the time of the child support hearing, the
588 department will enter an administrative support order and refer
589 the parents to a court of appropriate jurisdiction for the
590 establishment of a parenting time plan.



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591 (5) The Title IV-D Standard Parenting Time Plan is not
592 intended for use by parents and families with domestic or family
593 violence concerns.

594 (6) If after the incorporation of an agreed-upon parenting
595 time plan into an administrative support order, a parent becomes
596 concerned about the safety of the child during the child's time
597 with the other parent, a modification of the parenting time plan
598 may be sought through a court of appropriate jurisdiction.

599 (7) The department will create and provide a form for a
600 petition to establish a parenting time plan for parents who have
601 not agreed on a parenting schedule at the time of the child
602 support hearing. The department will provide the form to the
603 parents but will not file the petition or represent either
604 parent at the hearing.

605 (8) The parents will not be required to pay a fee to file
606 the petition to establish a parenting plan.

607 (9) The department may adopt rules to implement and
608 administer this section.

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

611 409.2564 Actions for support.—

612 (1) In each case in which regular support payments are not
613 being made as provided herein, the department shall institute,
614 within 30 days after determination of the obligor's reasonable
615 ability to pay, action as is necessary to secure the obligor's
616 payment of current support, and any arrearage that ~~which~~ may
617 have accrued under an existing order of support, and if a
618 parenting time plan was not incorporated into the existing order
619 of support include either a signed, agreed-upon parenting time



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620 plan or a signed Title IV-D Standard Parenting Time Plan, if
621 appropriate. The department shall notify the program attorney in
622 the judicial circuit in which the recipient resides setting
623 forth the facts in the case, including the obligor's address, if
624 known, and the public assistance case number. Whenever
625 applicable, the procedures established under ~~the provisions of~~
626 chapter 88, Uniform Interstate Family Support Act, chapter 61,
627 Dissolution of Marriage; Support; Time-sharing, chapter 39,
628 Proceedings Relating to Children, chapter 984, Children and
629 Families in Need of Services, and chapter 985, Delinquency;
630 Interstate Compact on Juveniles, may govern actions instituted
631 under ~~the provisions of~~ this act, except that actions for
632 support under chapter 39, chapter 984, or chapter 985 brought
633 pursuant to this act shall not require any additional
634 investigation or supervision by the department.

635 (2) The order for support entered pursuant to an action
636 instituted by the department under ~~the provisions of~~ subsection
637 (1) shall require that the support payments be made periodically
638 to the department through the depository. An order for support
639 entered under the provisions of subsection (1) must include
640 either a signed, agreed-upon parenting time plan or a signed
641 Title IV-D Standard Parenting Time Plan, if appropriate. Upon
642 receipt of a payment made by the obligor pursuant to any order
643 of the court, the depository shall transmit the payment to the
644 department within 2 working days, except those payments made by
645 personal check which shall be disbursed in accordance with s.
646 61.181. Upon request, the depository shall furnish to the
647 department a certified statement of all payments made by the
648 obligor. Such statement shall be provided by the depository at



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649 no cost to the department.

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

653 409.256 Administrative proceeding to establish paternity or
654 paternity and child support; order to appear for genetic
655 testing.—

656 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO
657 THE COURTS.—

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

660 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
661 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
662 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue
663 shall commence a proceeding to determine paternity, or a
664 proceeding to determine both paternity and child support, by
665 serving the respondent with a notice as provided in this
666 section. An order to appear for genetic testing may be served at
667 the same time as a notice of the proceeding or may be served
668 separately. A copy of the affidavit or written declaration upon
669 which the proceeding is based shall be provided to the
670 respondent when notice is served. A notice or order to appear
671 for genetic testing shall be served by certified mail,
672 restricted delivery, return receipt requested, or in accordance
673 with the requirements for service of process in a civil action.
674 Service by certified mail is completed when the certified mail
675 is received or refused by the addressee or by an authorized
676 agent as designated by the addressee in writing. If a person
677 other than the addressee signs the return receipt, the



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678 department shall attempt to reach the addressee by telephone to
679 confirm whether the notice was received, and the department
680 shall document any telephonic communications. If someone other
681 than the addressee signs the return receipt, the addressee does
682 not respond to the notice, and the department is unable to
683 confirm that the addressee has received the notice, service is
684 not completed and the department shall attempt to have the
685 addressee served personally. For purposes of this section, an
686 employee or an authorized agent of the department may serve the
687 notice or order to appear for genetic testing and execute an
688 affidavit of service. The department may serve an order to
689 appear for genetic testing on a caregiver. The department shall
690 provide a copy of the notice or order to appear by regular mail
691 to the mother and caregiver, if they are not respondents.

692 (a) A notice of proceeding to establish paternity must
693 state:

694 1. That the department has commenced an administrative
695 proceeding to establish whether the putative father is the
696 biological father of the child named in the notice.

697 2. The name and date of birth of the child and the name of
698 the child's mother.

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

702 4. That the respondent is required to submit to genetic
703 testing.

704 5. That genetic testing will establish either a high degree
705 of probability that the putative father is the biological father
706 of the child or that the putative father cannot be the



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707 biological father of the child.

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

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

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

717 b. Commence a proceeding, as provided in s. 409.2563, to
718 establish an administrative support order for the child. Notice
719 of the proceeding shall be provided to the respondent by regular
720 mail.

721 8. That, if the genetic test results indicate a statistical
722 probability of paternity that equals or exceeds 99 percent and a
723 proceeding to establish an administrative support order is
724 commenced, the department shall issue a proposed order that
725 addresses paternity and child support. The respondent may
726 consent to or contest the proposed order at an administrative
727 hearing.

728 9. That if a proposed order of paternity or proposed order
729 of both paternity and child support is not contested, the
730 department shall adopt the proposed order and render a final
731 order that establishes paternity and, if appropriate, an
732 administrative support order for the child.

733 10. That, until the proceeding is ended, the respondent
734 shall notify the department in writing of any change in the
735 respondent's mailing address and that the respondent shall be



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736 deemed to have received any subsequent order, notice, or other
737 paper mailed to the most recent address provided or, if a more
738 recent address is not provided, to the address at which the
739 respondent was served, and that this requirement continues if
740 the department renders a final order that establishes paternity
741 and a support order for the child.

742 11. That the respondent may file an action in circuit court
743 for a determination of paternity, child support obligations, or
744 both.

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

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

753
754 A notice under this paragraph must also notify the respondent of
755 the provisions in s. 409.2563(4)(n) and (p) ~~s. 409.2563(4)(m)~~
756 ~~and (o)~~.

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

759 409.2572 Cooperation.—

760 (5) As used in this section only, the term "applicant for
761 or recipient of public assistance for a dependent child" refers
762 to such applicants and recipients of public assistance as
763 defined in s. 409.2554(12) ~~s. 409.2554(8)~~, with the exception of
764 applicants for or recipients of Medicaid solely for the benefit



765 of a dependent child.

766 Section 9. The Department of Revenue will report to the
767 Governor, the President of the Senate and the Speaker of the
768 House of Representatives by December 31, 2018, on the status of
769 the implementation of this act, how many parenting plans were
770 entered with administrative support orders, how many parents
771 were referred to the circuit court to determine a parenting plan
772 and make recommendations to further implement this act.

773 Section 10. For the 2017-2018 fiscal year, the sums of
774 \$350,476 in recurring funds and \$690,650 in nonrecurring funds
775 are appropriated from the General Revenue Fund to the Department
776 of Revenue for the purpose of implementing this act.

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

778
779 ===== T I T L E A M E N D M E N T =====

780 And the title is amended as follows:

781 Delete everything before the enacting clause
782 and insert:

783 A bill to be entitled
784 An act relating to child support and parenting time
785 plans; amending s. 409.2551, F.S.; stating legislative
786 intent to encourage frequent contact between a child
787 and each parent; amending s. 409.2554, F.S.; defining
788 terms; amending s. 409.2557, F.S.; authorizing the
789 Department of Revenue to establish parenting time
790 plans agreed to by both parents in Title IV-D child
791 support actions; amending s. 409.2563, F.S.; requiring
792 the department to mail a Title IV-D Standard Parenting
793 Time Plan with proposed administrative support orders;



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794 providing requirements for including parenting time
795 plans in certain administrative orders; creating s.
796 409.25633, F.S.; providing the purpose and
797 requirements for a Title IV-D Standard Parenting Time
798 Plan; requiring the department to refer parents who do
799 not agree on a parenting time plan to a circuit court;
800 requiring the department to create and provide a form
801 for a petition to establish a parenting time plan
802 under certain circumstances; specifying that the
803 parents are not required to pay a fee to file the
804 petition; authorizing the department to adopt rules;
805 amending s. 409.2564, F.S.; authorizing the department
806 to incorporate either a signed, agreed-upon parenting
807 time plan or a signed Title IV-D Standard Parenting
808 Time Plan in a child support order; amending ss.
809 409.256 and 409.2572, F.S.; conforming cross-
810 references; providing an appropriation; providing an
811 effective date.