

By Senator Brandes

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1
2 A bill to be entitled
3 An act relating to child support and parenting time
4 plans; amending s. 409.2551, F.S.; stating legislative
5 intent to encourage frequent contact between a child
6 and each parent; amending s. 409.2554, F.S.; defining
7 terms; amending s. 409.2557, F.S.; authorizing the
8 Department of Revenue to establish parenting time
9 plans agreed to by both parents in Title IV-D child
10 support actions; amending s. 409.2563, F.S.; requiring
11 the department to mail Title IV-D Standard Parenting
12 Time Plans with proposed administrative support
13 orders; providing requirements for including parenting
14 time plans in certain administrative orders; creating
15 s. 409.25633, F.S.; providing the purpose and
16 requirements for Title IV-D Standard Parenting Time
17 Plans; requiring the department to refer parents who
18 do not agree on a parenting time plan to a circuit
19 court; requiring the department to create and provide
20 a form for a petition to establish a parenting time
21 plan under certain circumstances; specifying that the
22 parents are not required to pay a fee to file the
23 petition; authorizing the department to adopt rules;
24 amending s. 409.2564, F.S.; authorizing the department
25 to incorporate either an agreed-upon parenting time
26 plan or a Title IV-D Standard Parenting Time Plan in a
27 child support order; amending ss. 409.256 and
28 409.2572, F.S.; conforming cross-references; providing
29 an appropriation; providing an effective date.
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31 Be It Enacted by the Legislature of the State of Florida:
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33 Section 1. Section 409.2551, Florida Statutes, is amended
34 to read:

35 409.2551 Legislative intent.—Common-law and statutory
36 procedures governing the remedies for enforcement of support for
37 financially dependent children by persons responsible for their
38 support have not proven sufficiently effective or efficient to
39 cope with the increasing incidence of financial dependency. The
40 increasing workload of courts, prosecuting attorneys, and the
41 Attorney General has resulted in a growing burden on the
42 financial resources of the state, which is constrained to
43 provide public assistance for basic maintenance requirements
44 when parents fail to meet their primary obligations. The state,
45 therefore, exercising its police and sovereign powers, declares
46 that the common-law and statutory remedies pertaining to family
47 desertion and nonsupport of dependent children shall be
48 augmented by additional remedies directed to the resources of
49 the responsible parents. In order to render resources more
50 immediately available to meet the needs of dependent children,
51 it is the legislative intent that the remedies provided herein
52 are in addition to, and not in lieu of, existing remedies. It is
53 declared to be the public policy of this state that this act be
54 construed and administered to the end that children shall be
55 maintained from the resources of their parents, thereby
56 relieving, at least in part, the burden presently borne by the
57 general citizenry through public assistance programs. It is also
58 the public policy of this state to encourage frequent contact
59 between a child and each parent to optimize the development of a
60 close and continuing relationship between each parent and the
61 child. There is no presumption for or against the father or

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62 mother of the child or for or against any specific time-sharing
63 schedule when a parenting time plan is created.

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

66 409.2554 Definitions; ss. 409.2551-409.2598.—As used in ss.
67 409.2551-409.2598, the term:

68 (5)~~(1)~~ "Department" means the Department of Revenue.

69 (6)~~(2)~~ "Dependent child" means any unemancipated person
70 under the age of 18, any person under the age of 21 and still in
71 school, or any person who is mentally or physically
72 incapacitated when such incapacity began before ~~prior to~~ such
73 person reaching the age of 18. This definition may ~~shall~~ not be
74 construed to impose an obligation for child support beyond the
75 child's attainment of majority except as imposed in s. 409.2561.

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

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

81 (7)~~(5)~~ "Health insurance" means coverage under a fee-for-
82 service arrangement, health maintenance organization, or
83 preferred provider organization, and other types of coverage
84 available to either parent, under which medical services could
85 be provided to a dependent child.

86 (8)~~(6)~~ "Obligee" means the person to whom support payments
87 are made pursuant to an alimony or child support order.

88 (9)~~(7)~~ "Obligor" means a person who is responsible for
89 making support payments pursuant to an alimony or child support
90 order.

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91 (12)~~(8)~~ "Public assistance" means money assistance paid on
92 the basis of Title IV-E and Title XIX of the Social Security
93 Act, temporary cash assistance, or food assistance benefits
94 received on behalf of a child under 18 years of age who has an
95 absent parent.

96 (10)~~(9)~~ "Program attorney" means an attorney employed by
97 the department, under contract with the department, or employed
98 by a contractor of the department, to provide legal
99 representation for the department in a proceeding related to the
100 determination of paternity or the establishment, modification,
101 or enforcement of support brought pursuant to law.

102 (11)~~(10)~~ "Prosecuting attorney" means any private attorney,
103 county attorney, city attorney, state attorney, program
104 attorney, or an attorney employed by an entity of a local
105 political subdivision who engages in legal action related to the
106 determination of paternity or the establishment, modification,
107 or enforcement of support brought pursuant to this act.

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

114 (14) "State Disbursement Unit" means the unit established
115 and operated by the Title IV-D agency to provide one central
116 address for collection and disbursement of child support
117 payments made in cases enforced by the department pursuant to
118 Title IV-D of the Social Security Act and in cases not being
119 enforced by the department in which the support order was

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120 initially issued in this state on or after January 1, 1994, and
121 in which the obligor's child support obligation is being paid
122 through income deduction order.

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

130 (15)~~(11)~~ "Support," unless otherwise specified, means:

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

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

137 (1)~~(12)~~ "Administrative costs" means any costs, including
138 attorney's fees, clerk's filing fees, recording fees and other
139 expenses incurred by the clerk of the circuit court, service of
140 process fees, or mediation costs, incurred by the Title IV-D
141 agency in its effort to administer the Title IV-D program. The
142 administrative costs that ~~which~~ must be collected by the
143 department shall be assessed on a case-by-case basis based upon
144 a method for determining costs approved by the Federal
145 Government. The administrative costs shall be assessed
146 periodically by the department. The methodology for determining
147 administrative costs shall be made available to the judge or any
148 party who requests it. Only those amounts ordered independent of

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149 current support, arrears, or past public assistance obligation
150 shall be considered and applied toward administrative costs.

151 (2)~~(13)~~ "Child support services" includes any civil,
152 criminal, or administrative action taken by the Title IV-D
153 program to determine paternity, establish, modify, enforce, or
154 collect support.

155 (17)~~(14)~~ "Undistributable collection" means a support
156 payment received by the department which the department
157 determines cannot be distributed to the final intended
158 recipient.

159 (18)~~(15)~~ "Unidentifiable collection" means a payment
160 received by the department for which a parent, depository or
161 circuit civil numbers, or source of the payment cannot be
162 identified.

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

165 409.2557 State agency for administering child support
166 enforcement program.—

167 (2) The department in its capacity as the state Title IV-D
168 agency has ~~shall have~~ the authority to take actions necessary to
169 carry out the public policy of ensuring that children are
170 maintained from the resources of their parents to the extent
171 possible. The department's authority includes ~~shall include~~, but
172 is not be limited to, the establishment of paternity or support
173 obligations, the establishment of a Title IV-D Standard
174 Parenting Time Plan or any other parenting time plan agreed to
175 by the parents, and as well as the modification, enforcement,
176 and collection of support obligations.

177 Section 4. Subsections (2), (4), (5), and (7) of section

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178 409.2563, Florida Statutes, are amended to read:

179 409.2563 Administrative establishment of child support
180 obligations.-

181 (2) PURPOSE AND SCOPE.-

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

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

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

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

206 (e) ~~(b)~~ The administrative procedure set forth in this

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

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

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236 proceed on behalf of:

237 1. An applicant or recipient of public assistance, as
238 provided by ss. 409.2561 and 409.2567;

239 2. A former recipient of public assistance, as provided by
240 s. 409.2569;

241 3. An individual who has applied for services as provided
242 by s. 409.2567;

243 4. Itself or the child, as provided by s. 409.2561; or

244 5. A state or local government of another state, as
245 provided by chapter 88.

246 (g)~~(d)~~ Either parent, or a caregiver if applicable, may at
247 any time file a civil action in a circuit court having
248 jurisdiction and proper venue to determine parental support
249 obligations, if any. A support order issued by a circuit court
250 prospectively supersedes an administrative support order
251 rendered by the department.

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

262 (i)~~(f)~~ The department shall terminate the administrative
263 proceeding and file an action in circuit court to determine
264 support if within 20 days after receipt of the initial notice

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265 the parent from whom support is being sought requests in writing
266 that the department proceed in circuit court or states in
267 writing his or her intention to address issues concerning time-
268 sharing or rights to parental contact in court and if within 10
269 days after receipt of the department's petition and waiver of
270 service the parent from whom support is being sought signs and
271 returns the waiver of service form to the department.

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

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

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

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

286 (c) That the department will incorporate a parenting time
287 plan or Title IV-D Standard Parenting Time Plan, as agreed to by
288 both parents, into the administrative support order;

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

292 (e)~~(d)~~ That both parents, or parent and caregiver if
293 applicable, are required to furnish to the department

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294 information regarding their identities and locations, as
295 provided by paragraph (13) (b);

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

301 (g)~~(f)~~ That the department will calculate support
302 obligations based on the child support guidelines schedule in s.
303 61.30 and using all available information, as provided by
304 paragraph (5) (a), and will incorporate such obligations into a
305 proposed administrative support order;

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

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

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

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323 incorporated parenting time plan to both parents, or parent and
324 caregiver if applicable;

325 (k)-(j) That after an administrative support order is
326 rendered incorporating any agreed-upon parenting time plan, the
327 department will file a copy of the order with the clerk of the
328 circuit court;

329 (l)-(k) That after an administrative support order is
330 rendered, the department may enforce the administrative support
331 order by any lawful means. The department does not have
332 jurisdiction to enforce any parenting time plan that is
333 incorporated into an administrative support order;

334 (m)-(l) That either parent, or caregiver if applicable, may
335 file at any time a civil action in a circuit court having
336 jurisdiction and proper venue to determine parental support
337 obligations, if any, and that a support order issued by a
338 circuit court supersedes an administrative support order
339 rendered by the department;

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

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

351 2. The parent from whom support is being sought may state

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352 in writing to the department his or her intention to address
353 issues concerning custody or rights to parental contact in
354 circuit court.

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

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

370 5. In any circuit court action filed by the department
371 pursuant to this paragraph or filed by a parent from whom
372 support is being sought or other person pursuant to paragraph
373 (m) ~~(l)~~ or paragraph (o) ~~(n)~~, the department shall be a party
374 only with respect to those issues of support allowed and
375 reimbursable under Title IV-D of the Social Security Act. It is
376 the responsibility of the parent from whom support is being
377 sought or other person to take the necessary steps to present
378 other issues for the court to consider; -

379 (o) ~~(n)~~ That if the parent from whom support is being sought
380 files an action in circuit court and serves the department with

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381 a copy of the petition within 20 days after being served notice
382 under this subsection, the administrative process ends without
383 prejudice and the action must proceed in circuit court;

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

388
389 The department may serve the notice of proceeding to establish
390 an administrative support order and Title IV-D Standard
391 Parenting Time Plans by certified mail, restricted delivery,
392 return receipt requested. Alternatively, the department may
393 serve the notice by any means permitted for service of process
394 in a civil action. For purposes of this section, an authorized
395 employee of the department may serve the notice and execute an
396 affidavit of service. Service by certified mail is completed
397 when the certified mail is received or refused by the addressee
398 or by an authorized agent as designated by the addressee in
399 writing. If a person other than the addressee signs the return
400 receipt, the department shall attempt to reach the addressee by
401 telephone to confirm whether the notice was received, and the
402 department shall document any telephonic communications. If
403 someone other than the addressee signs the return receipt, the
404 addressee does not respond to the notice, and the department is
405 unable to confirm that the addressee has received the notice,
406 service is not completed and the department shall attempt to
407 have the addressee served personally. The department shall
408 provide the parent from whom support is not being sought or the
409 caregiver with a copy of the notice by regular mail to the last

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410 known address of the parent from whom support is not being
411 sought or caregiver.

412 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

413 (a) After serving notice upon a parent in accordance with
414 subsection (4), the department shall calculate that parent's
415 child support obligation under the child support guidelines
416 schedule as provided by s. 61.30, based on any timely financial
417 affidavits received and other information available to the
418 department. If either parent fails to comply with the
419 requirement to furnish a financial affidavit, the department may
420 proceed on the basis of information available from any source,
421 if such information is sufficiently reliable and detailed to
422 allow calculation of guideline schedule amounts under s. 61.30.
423 If a parent receives public assistance and fails to submit a
424 financial affidavit, the department may submit a financial
425 affidavit or written declaration for that parent pursuant to s.
426 61.30(15). If there is a lack of sufficient reliable information
427 concerning a parent's actual earnings for a current or past
428 period, it shall be presumed for the purpose of establishing a
429 support obligation that the parent had an earning capacity equal
430 to the federal minimum wage during the applicable period.

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

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

442 1. The parent from whom support is being sought may, within
443 20 days after the date of mailing or other service of the
444 proposed administrative support order, request a hearing by
445 filing a written request for hearing in a form and manner
446 specified by the department;

447 2. If the parent from whom support is being sought files a
448 timely request for a hearing, the case shall be transferred to
449 the Division of Administrative Hearings, which shall conduct
450 further proceedings and may enter an administrative support
451 order;

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

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

459 5. The parent from whom support is being sought may, within
460 10 days after the date of mailing or other service of the
461 proposed administrative support order, contact a department
462 representative, at the address or telephone number specified in
463 the notice, to informally discuss the proposed administrative
464 support order and, if informal discussions are requested timely,
465 the time for requesting a hearing will be extended until 10 days
466 after the department notifies the parent that the informal
467 discussions have been concluded; and

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468 6. If an administrative support order that establishes a
469 parent's support obligation and incorporates either a parenting
470 time plan or Title IV-D Standard Parenting Time Plan agreed to
471 by both parents is rendered, whether after a hearing or without
472 a hearing, the department may enforce the administrative support
473 order by any lawful means. The department does not have the
474 jurisdiction or authority to enforce a parenting time plan.

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

484 (7) ADMINISTRATIVE SUPPORT ORDER.—

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

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

496 (c) If the parent from whom support is being sought waives

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497 the right to a hearing, or consents in writing to the entry of
498 an order without a hearing, the department may render an
499 administrative support order that will include a parenting time
500 plan or Title IV-D Standard Parenting Time Plan agreed to by
501 both parents.

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

510 (e) An administrative support order must comply with ss.
511 61.13(1) and 61.30. The department shall develop a standard form
512 or forms for administrative support orders. An administrative
513 support order must provide and state findings, if applicable,
514 concerning:

515 1. The full name and date of birth of the child or
516 children;

517 2. The name of the parent from whom support is being sought
518 and the other parent or caregiver;

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

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

521 5. Any obligation to pay retroactive support;

522 6. The parent's obligation to provide for the health care
523 needs of each child, whether through health insurance,
524 contribution toward the cost of health insurance, payment or
525 reimbursement of health care expenses for the child, or any

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526 combination thereof;

527 7. The beginning date of any required monthly payments and
528 health insurance;

529 8. That all support payments ordered must be paid to the
530 ~~Florida~~ State Disbursement Unit as provided by s. 61.1824;

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

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

540 11. That if the parent ordered to pay support receives
541 reemployment assistance or unemployment compensation benefits,
542 the payor shall withhold, and transmit to the department, 40
543 percent of the benefits for payment of support, not to exceed
544 the amount owed.

545

546 An income deduction order as provided by s. 61.1301 must be
547 incorporated into the administrative support order or, if not
548 incorporated into the administrative support order, the
549 department or the Division of Administrative Hearings shall
550 render a separate income deduction order.

551 Section 5. Section 409.25633, Florida Statutes, is created
552 to read:

553 409.25633. Title IV-D Standard Parenting Time Plans.-

554 (1) A Title IV-D Standard Parenting Time Plan must be

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555 included in any administrative action to establish child support
556 taken by the Title IV-D program to determine paternity,
557 establish or modify support if the parents agree upon it. If the
558 parents do not agree to a Title IV-D Standard Parenting Time
559 Plan or if an agreed-upon parenting time plan is not included,
560 the Department of Revenue must enter an administrative support
561 order and refer the parents to the court of appropriate
562 jurisdiction to establish a parenting time plan. The department
563 must note on the referral that an administrative support order
564 has been entered. If a parenting time plan is not included in
565 the administrative support order entered under s. 409.2563, the
566 department must provide information to the parents on the
567 process to establish such plan.

568 (2) If the parents live within 100 miles of each other and
569 the child is 3 years of age or older, the parent who owes
570 support shall have parenting time with the child:

571 (a) *Every other weekend.*—The second and fourth full weekend
572 of the month from 6 p.m. on Friday through 6 p.m. on Sunday. The
573 weekends may begin upon the child's release from school on
574 Friday and end on Sunday at 6 p.m. or when the child returns to
575 school on Monday morning. The weekend time may be extended by
576 holidays that fall on Friday or Monday;

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

580 (c) *Thanksgiving break.*—In even-numbered years, the
581 Thanksgiving break from 6 p.m. on the Wednesday before
582 Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.
583 If both parents agree, the Thanksgiving break parenting time may

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584 begin upon the child's release from school and end upon the
585 child's return to school the following Monday;

586 (d) Winter break.—In odd-numbered years, the first half of
587 winter break, from the day school is released, beginning at 6
588 p.m. or, if both parents agree, upon the child's release from
589 school, until noon on December 26. In even-numbered years, the
590 second half of winter break from noon on December 26 until 6
591 p.m. on the day before school resumes or, if both parents agree,
592 upon the child's return to school;

593 (e) Spring break.—In even-numbered years, the week of
594 spring break from 6 p.m. the day that school is released until 6
595 p.m. the night before school resumes. If both parents agree, the
596 spring break parenting time may begin upon the child's release
597 from school and end upon the child's return to school the
598 following Monday; and

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

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

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

610 (b) Summer break.—Forty-two days of parenting time during
611 the summer months. The parent who is owed child support will
612 have parenting time one weekend beginning on Friday at 6 p.m.

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613 through Sunday at 6 p.m. during any one extended period during
614 the summer.

615 (4) If the child is under 3 years of age, the parents may
616 agree on a parenting time plan that includes more frequent
617 visitation with shorter timeframes, gradually leading into
618 overnight visits and either a parenting time plan agreed to by
619 both parents or the Title IV-D Standard Parenting Time Plan set
620 out in this section.

621 (5) In the event the parents have not agreed on a parenting
622 schedule at the time of the child support hearing, the
623 department will 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 (6) The Title IV-D Standard Parenting Time Plans are not
627 intended for use by parents and families with domestic or family
628 violence concerns.

629 (7) If after the incorporation of an agreed-upon parenting
630 time plan into an administrative support order, a parent becomes
631 concerned about the safety of the child during the child's time
632 with the other parent, a modification of the parenting time plan
633 may be sought through a court of appropriate jurisdiction.

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

640 (9) The parents will not be required to pay a fee to file
641 the petition to establish a parenting plan.

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642 (10) The department may adopt rules to implement and
643 administer this section.

644 Section 6. Subsections (1) and (2) of section 409.2564,
645 Florida Statutes, are amended to read:
646 409.2564 Actions for support.—

647 (1) In each case in which regular support payments are not
648 being made as provided herein, the department shall institute,
649 within 30 days after determination of the obligor's reasonable
650 ability to pay, action as is necessary to secure the obligor's
651 payment of current support, ~~and any arrearage that which~~ may
652 have accrued under an existing order of support, and if a
653 parenting time plan was not incorporated into the existing order
654 of support and is appropriate, include either an agreed-upon
655 parenting time plan or Title IV-D Standard Parenting Time Plan.
656 The department shall notify the program attorney in the judicial
657 circuit in which the recipient resides setting forth the facts
658 in the case, including the obligor's address, if known, and the
659 public assistance case number. Whenever applicable, the
660 procedures established under ~~the provisions of~~ chapter 88,
661 Uniform Interstate Family Support Act, chapter 61, Dissolution
662 of Marriage; Support; Time-sharing, chapter 39, Proceedings
663 Relating to Children, chapter 984, Children and Families in Need
664 of Services, and chapter 985, Delinquency; Interstate Compact on
665 Juveniles, may govern actions instituted under ~~the provisions of~~
666 this act, except that actions for support under chapter 39,
667 chapter 984, or chapter 985 brought pursuant to this act shall
668 not require any additional investigation or supervision by the
669 department.

670 (2) The order for support entered pursuant to an action

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

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

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

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

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

695 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
696 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
697 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue
698 shall commence a proceeding to determine paternity, or a
699 proceeding to determine both paternity and child support, by

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

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

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- 729 1. That the department has commenced an administrative
730 proceeding to establish whether the putative father is the
731 biological father of the child named in the notice.
- 732 2. The name and date of birth of the child and the name of
733 the child's mother.
- 734 3. That the putative father has been named in an affidavit
735 or written declaration that states the putative father is or may
736 be the child's biological father.
- 737 4. That the respondent is required to submit to genetic
738 testing.
- 739 5. That genetic testing will establish either a high degree
740 of probability that the putative father is the biological father
741 of the child or that the putative father cannot be the
742 biological father of the child.
- 743 6. That if the results of the genetic test do not indicate
744 a statistical probability of paternity that equals or exceeds 99
745 percent, the paternity proceeding in connection with that child
746 shall cease unless a second or subsequent test is required.
- 747 7. That if the results of the genetic test indicate a
748 statistical probability of paternity that equals or exceeds 99
749 percent, the department may:
- 750 a. Issue a proposed order of paternity that the respondent
751 may consent to or contest at an administrative hearing; or
- 752 b. Commence a proceeding, as provided in s. 409.2563, to
753 establish an administrative support order for the child. Notice
754 of the proceeding shall be provided to the respondent by regular
755 mail.
- 756 8. That, if the genetic test results indicate a statistical
757 probability of paternity that equals or exceeds 99 percent and a

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758 proceeding to establish an administrative support order is
759 commenced, the department shall issue a proposed order that
760 addresses paternity and child support. The respondent may
761 consent to or contest the proposed order at an administrative
762 hearing.

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

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

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

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

785 13. That, if paternity is established, the putative father
786 may file a petition in circuit court for a determination of

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787 matters relating to custody and rights of parental contact.

788

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

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

794 409.2572 Cooperation.—

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

801 Section 9. The sum of \$419,520 in nonrecurring general
802 revenue is appropriated for contracted services to the
803 Department of Revenue for the fiscal year 2017-2018 for the
804 purpose of implementing this act. The sum of \$20,729 in
805 recurring general revenue is appropriated for expenses, and the
806 sum of \$91,127 in recurring general revenue is appropriated for
807 salaries and benefits to the Department of Revenue for the
808 fiscal year 2017-2018 for the purpose of implementing this act.

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