

By the Committee on Judiciary; and Senators Brandes, Stargel,
and Gibson

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

31
32 Section 1. Section 409.2551, Florida Statutes, is amended
33 to read:

34 409.2551 Legislative intent.—Common-law and statutory
35 procedures governing the remedies for enforcement of support for
36 financially dependent children by persons responsible for their
37 support have not proven sufficiently effective or efficient to
38 cope with the increasing incidence of financial dependency. The
39 increasing workload of courts, prosecuting attorneys, and the
40 Attorney General has resulted in a growing burden on the
41 financial resources of the state, which is constrained to
42 provide public assistance for basic maintenance requirements
43 when parents fail to meet their primary obligations. The state,
44 therefore, exercising its police and sovereign powers, declares
45 that the common-law and statutory remedies pertaining to family
46 desertion and nonsupport of dependent children shall be
47 augmented by additional remedies directed to the resources of
48 the responsible parents. In order to render resources more
49 immediately available to meet the needs of dependent children,
50 it is the legislative intent that the remedies provided herein
51 are in addition to, and not in lieu of, existing remedies. It is
52 declared to be the public policy of this state that this act be
53 construed and administered to the end that children shall be
54 maintained from the resources of their parents, thereby
55 relieving, at least in part, the burden presently borne by the
56 general citizenry through public assistance programs. It is also
57 the public policy of this state to encourage frequent contact
58 between a child and each parent to optimize the development of a

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59 close and continuing relationship between each parent and the
60 child. There is no presumption for or against the father or
61 mother of the child or for or against any specific time-sharing
62 schedule when a parenting time plan is created.

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

65 409.2554 Definitions; ss. 409.2551-409.2598.—As used in ss.
66 409.2551-409.2598, the term:

67 (5)~~(1)~~ "Department" means the Department of Revenue.

68 (6)~~(2)~~ "Dependent child" means any unemancipated person
69 under the age of 18, any person under the age of 21 and still in
70 school, or any person who is mentally or physically
71 incapacitated when such incapacity began before ~~prior to~~ such
72 person reaching the age of 18. This definition may ~~shall~~ not be
73 construed to impose an obligation for child support beyond the
74 child's attainment of majority except as imposed in s. 409.2561.

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

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

80 (7)~~(5)~~ "Health insurance" means coverage under a fee-for-
81 service arrangement, health maintenance organization, or
82 preferred provider organization, and other types of coverage
83 available to either parent, under which medical services could
84 be provided to a dependent child.

85 (8)~~(6)~~ "Obligee" means the person to whom support payments
86 are made pursuant to an alimony or child support order.

87 (9)~~(7)~~ "Obligor" means a person who is responsible for

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88 making support payments pursuant to an alimony or child support
89 order.

90 (12)~~(8)~~ "Public assistance" means money assistance paid on
91 the basis of Title IV-E and Title XIX of the Social Security
92 Act, temporary cash assistance, or food assistance benefits
93 received on behalf of a child under 18 years of age who has an
94 absent parent.

95 (10)~~(9)~~ "Program attorney" means an attorney employed by
96 the department, under contract with the department, or employed
97 by a contractor of the department, to provide legal
98 representation for the department in a proceeding related to the
99 determination of paternity or the establishment, modification,
100 or enforcement of support brought pursuant to law.

101 (11)~~(10)~~ "Prosecuting attorney" means any private attorney,
102 county attorney, city attorney, state attorney, program
103 attorney, or an attorney employed by an entity of a local
104 political subdivision who engages in legal action related to the
105 determination of paternity or the establishment, modification,
106 or enforcement of support brought pursuant to this act.

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

113 (14) "State Disbursement Unit" means the unit established
114 and operated by the Title IV-D agency to provide one central
115 address for collection and disbursement of child support
116 payments made in cases enforced by the department pursuant to

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117 Title IV-D of the Social Security Act and in cases not being
118 enforced by the department in which the support order was
119 initially issued in this state on or after January 1, 1994, and
120 in which the obligor's child support obligation is being paid
121 through income deduction order.

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

129 (15)~~(11)~~ "Support," unless otherwise specified, means:

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

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

136 (1)~~(12)~~ "Administrative costs" means any costs, including
137 attorney's fees, clerk's filing fees, recording fees and other
138 expenses incurred by the clerk of the circuit court, service of
139 process fees, or mediation costs, incurred by the Title IV-D
140 agency in its effort to administer the Title IV-D program. The
141 administrative costs that ~~which~~ must be collected by the
142 department shall be assessed on a case-by-case basis based upon
143 a method for determining costs approved by the Federal
144 Government. The administrative costs shall be assessed
145 periodically by the department. The methodology for determining

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146 administrative costs shall be made available to the judge or any
147 party who requests it. Only those amounts ordered independent of
148 current support, arrears, or past public assistance obligation
149 shall be considered and applied toward administrative costs.

150 (2)~~(13)~~ "Child support services" includes any civil,
151 criminal, or administrative action taken by the Title IV-D
152 program to determine paternity, establish, modify, enforce, or
153 collect support.

154 (17)~~(14)~~ "Undistributable collection" means a support
155 payment received by the department which the department
156 determines cannot be distributed to the final intended
157 recipient.

158 (18)~~(15)~~ "Unidentifiable collection" means a payment
159 received by the department for which a parent, depository or
160 circuit civil numbers, or source of the payment cannot be
161 identified.

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

164 409.2557 State agency for administering child support
165 enforcement program.—

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

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175 and collection of support obligations.

176 Section 4. Subsections (2), (4), (5), and (7) of section
177 409.2563, Florida Statutes, are amended to read:

178 409.2563 Administrative establishment of child support
179 obligations.—

180 (2) PURPOSE AND SCOPE.—

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

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

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

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

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204 support is incarcerated.

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

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

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233 provide for health care for a child, whether through insurance
234 coverage, reimbursement of expenses, or both. The department may
235 proceed on behalf of:

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

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

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

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

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

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

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

261 (i) ~~(f)~~ The department shall terminate the administrative

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262 proceeding and file an action in circuit court to determine
263 support if within 20 days after receipt of the initial notice
264 the parent from whom support is being sought requests in writing
265 that the department proceed in circuit court or states in
266 writing his or her intention to address issues concerning time-
267 sharing or rights to parental contact in court and if within 10
268 days after receipt of the department's petition and waiver of
269 service the parent from whom support is being sought signs and
270 returns the waiver of service form to the department.

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

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

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

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

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

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

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

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

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

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

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

315 (j)~~(i)~~ That if the parent from whom support is being sought
316 does not file a timely request for hearing after service of the
317 proposed administrative support order, the department will issue
318 an administrative support order that incorporates the findings
319 of the proposed administrative support order, and any agreed-

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320 upon parenting time plan. The department will send by regular
321 mail a copy of the administrative support order and any
322 incorporated parenting time plan to both parents, or parent and
323 caregiver if applicable;

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

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

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

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

347 1. The parent from whom support is being sought may request
348 in writing that the department proceed in circuit court to

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349 determine his or her support obligations.

350 2. The parent from whom support is being sought may state
351 in writing to the department his or her intention to address
352 issues concerning custody or rights to parental contact in
353 circuit court.

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

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

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

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

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

387

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

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407 provide the parent from whom support is not being sought or the
408 caregiver with a copy of the notice by regular mail to the last
409 known address of the parent from whom support is not being
410 sought or caregiver.

411 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

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

430 (b) The department shall send by regular mail to both
431 parents, or to a parent and caregiver if applicable, copies of
432 the proposed administrative support order, a copy of the Title
433 IV-D Standard Parenting Time Plans, its completed child support
434 worksheet, and any financial affidavits submitted by a parent or
435 prepared by the department. The proposed administrative support

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436 order must contain the same elements as required for an
437 administrative support order under paragraph (7) (e).

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

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

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

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

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

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

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465 after the department notifies the parent that the informal
466 discussions have been concluded; and

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

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

483 (7) ADMINISTRATIVE SUPPORT ORDER.—

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

492 (b) If the parent from whom support is being sought does
493 not file a timely request for a hearing, the parent will be

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494 deemed to have waived the right to request a hearing.

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

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

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

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

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

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

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

520 5. Any obligation to pay retroactive support;

521 6. The parent's obligation to provide for the health care
522 needs of each child, whether through health insurance,

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523 contribution toward the cost of health insurance, payment or
524 reimbursement of health care expenses for the child, or any
525 combination thereof;

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

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

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

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

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

544

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

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

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552 409.25633. Title IV-D Standard Parenting Time Plans.-

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

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

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

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

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581 (c) Thanksgiving break.—In even-numbered years, the
582 Thanksgiving break from 6 p.m. on the Wednesday before
583 Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.
584 If both parents agree, the Thanksgiving break parenting time may
585 begin upon the child's release from school and end upon the
586 child's return to school the following Monday;

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

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

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

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

606 (a) One weekend per month.—The second or fourth full
607 weekend of the month throughout the year beginning Friday at 6
608 p.m. through Sunday at 6 p.m. The parent who owes child support
609 can choose the one weekend per month within 90 days after the

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610 parents begin to live more than 100 miles apart; and

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

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

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

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

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

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

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639 parents but will not file the petition or represent either
640 parent at the hearing.

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

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

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

647 409.2564 Actions for support.—

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

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668 chapter 984, or chapter 985 brought pursuant to this act shall
669 not require any additional investigation or supervision by the
670 department.

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

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

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

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

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

696 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR

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697 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
698 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue
699 shall commence a proceeding to determine paternity, or a
700 proceeding to determine both paternity and child support, by
701 serving the respondent with a notice as provided in this
702 section. An order to appear for genetic testing may be served at
703 the same time as a notice of the proceeding or may be served
704 separately. A copy of the affidavit or written declaration upon
705 which the proceeding is based shall be provided to the
706 respondent when notice is served. A notice or order to appear
707 for genetic testing shall be served by certified mail,
708 restricted delivery, return receipt requested, or in accordance
709 with the requirements for service of process in a civil action.
710 Service by certified mail is completed when the certified mail
711 is received or refused by the addressee or by an authorized
712 agent as designated by the addressee in writing. If a person
713 other than the addressee signs the return receipt, the
714 department shall attempt to reach the addressee by telephone to
715 confirm whether the notice was received, and the department
716 shall document any telephonic communications. If someone other
717 than the addressee signs the return receipt, the addressee does
718 not respond to the notice, and the department is unable to
719 confirm that the addressee has received the notice, service is
720 not completed and the department shall attempt to have the
721 addressee served personally. For purposes of this section, an
722 employee or an authorized agent of the department may serve the
723 notice or order to appear for genetic testing and execute an
724 affidavit of service. The department may serve an order to
725 appear for genetic testing on a caregiver. The department shall

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726 provide a copy of the notice or order to appear by regular mail
727 to the mother and caregiver, if they are not respondents.

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

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

733 2. The name and date of birth of the child and the name of
734 the child's mother.

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

738 4. That the respondent is required to submit to genetic
739 testing.

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

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

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

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

753 b. Commence a proceeding, as provided in s. 409.2563, to
754 establish an administrative support order for the child. Notice

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755 of the proceeding shall be provided to the respondent by regular
756 mail.

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

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

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

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

781 12. That if the respondent files an action in circuit court
782 and serves the department with a copy of the petition or
783 complaint within 20 days after being served notice under this

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784 subsection, the administrative process ends without prejudice
785 and the action must proceed in circuit court.

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

789

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

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

795 409.2572 Cooperation.—

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

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

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