

2017590er

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

2017590er

30 support order; amending ss. 409.256 and 409.2572,  
31 F.S.; conforming cross-references; requiring the  
32 department to submit a report to the Governor and  
33 Legislature by a specified date; specifying  
34 requirements for the report; providing an  
35 appropriation; providing an effective date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. Section 409.2551, Florida Statutes, is amended  
40 to read:

41 409.2551 Legislative intent.—Common-law and statutory  
42 procedures governing the remedies for enforcement of support for  
43 financially dependent children by persons responsible for their  
44 support have not proven sufficiently effective or efficient to  
45 cope with the increasing incidence of financial dependency. The  
46 increasing workload of courts, prosecuting attorneys, and the  
47 Attorney General has resulted in a growing burden on the  
48 financial resources of the state, which is constrained to  
49 provide public assistance for basic maintenance requirements  
50 when parents fail to meet their primary obligations. The state,  
51 therefore, exercising its police and sovereign powers, declares  
52 that the common-law and statutory remedies pertaining to family  
53 desertion and nonsupport of dependent children shall be  
54 augmented by additional remedies directed to the resources of  
55 the responsible parents. In order to render resources more  
56 immediately available to meet the needs of dependent children,  
57 it is the legislative intent that the remedies provided herein  
58 are in addition to, and not in lieu of, existing remedies. It is

2017590er

59 declared to be the public policy of this state that this act be  
60 construed and administered to the end that children shall be  
61 maintained from the resources of their parents, thereby  
62 relieving, at least in part, the burden presently borne by the  
63 general citizenry through public assistance programs. It is also  
64 the public policy of this state to encourage frequent contact  
65 between a child and each parent to optimize the development of a  
66 close and continuing relationship between each parent and the  
67 child.

68 Section 2. Section 409.2554, Florida Statutes, is reordered  
69 and amended to read:

70 409.2554 Definitions; ss. 409.2551-409.2598.—As used in ss.  
71 409.2551-409.2598, the term:

72 (5)~~(1)~~ "Department" means the Department of Revenue.

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

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

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

85 (7)~~(5)~~ "Health insurance" means coverage under a fee-for-  
86 service arrangement, health maintenance organization, or  
87 preferred provider organization, and other types of coverage

2017590er

88 available to either parent, under which medical services could  
89 be provided to a dependent child.

90 (8)~~(6)~~ "Obligee" means the person to whom support payments  
91 are made pursuant to an alimony or child support order.

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

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

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

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

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

2017590er

117 Secretary of Health and Human Services.

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

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

134 (15)~~(11)~~ "Support," unless otherwise specified, means:

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

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

141 (1)~~(12)~~ "Administrative costs" means any costs, including  
142 attorney ~~attorney's~~ fees, clerk's filing fees, recording fees  
143 and other expenses incurred by the clerk of the circuit court,  
144 service of process fees, or mediation costs, incurred by the  
145 Title IV-D agency in its effort to administer the Title IV-D

2017590er

146 program. The administrative costs that ~~which~~ must be collected  
147 by the department shall be assessed on a case-by-case basis  
148 based upon a method for determining costs approved by the  
149 Federal Government. The administrative costs shall be assessed  
150 periodically by the department. The methodology for determining  
151 administrative costs shall be made available to the judge or any  
152 party who requests it. Only those amounts ordered independent of  
153 current support, arrears, or past public assistance obligation  
154 shall be considered and applied toward administrative costs.

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

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

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

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

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

171 (2) The department in its capacity as the state Title IV-D  
172 agency has ~~shall have~~ the authority to take actions necessary to  
173 carry out the public policy of ensuring that children are  
174 maintained from the resources of their parents to the extent

2017590er

175 possible. The department's authority includes ~~shall include~~, but  
176 is not ~~be~~ limited to, the establishment of paternity or support  
177 obligations, the establishment of a Title IV-D Standard  
178 Parenting Time Plan or any other parenting time plan agreed to  
179 and signed by the parents, and ~~as well as~~ the modification,  
180 enforcement, and collection of support obligations.

181 Section 4. Subsections (2), (4), (5), and (7) of section  
182 409.2563, Florida Statutes, are amended to read:

183 409.2563 Administrative establishment of child support  
184 obligations.—

185 (2) PURPOSE AND SCOPE.—

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

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

201 (c) If the parents have a judicially established parenting  
202 time plan, the plan may not be included in the administrative or  
203 initial judicial order.

2017590er

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

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

229           (f)~~(e)~~ If there is no support order for a child in a Title  
230 IV-D case whose paternity has been established or is presumed by  
231 law, or whose paternity is the subject of a proceeding under s.  
232 409.256, the department may establish a parent's child support



2017590er

233 obligation pursuant to this section, s. 61.30, and other  
234 relevant provisions of state law. The administrative support  
235 order must include a parenting time plan or Title IV-D Standard  
236 Parenting Time Plan as agreed to and signed by both parents. The  
237 parent's obligation determined by the department may include any  
238 obligation to pay retroactive support and any obligation to  
239 provide for health care for a child, whether through insurance  
240 coverage, reimbursement of expenses, or both. The department may  
241 proceed on behalf of:

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

244 2. A former recipient of public assistance, as provided by  
245 s. 409.2569;

246 3. An individual who has applied for services as provided  
247 by s. 409.2567;

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

249 5. A state or local government of another state, as  
250 provided by chapter 88.

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

257 (h) ~~(e)~~ Pursuant to paragraph (e) ~~(b)~~, neither the  
258 department nor the Division of Administrative Hearings has  
259 jurisdiction to ~~award or~~ change child custody or rights of  
260 parental contact. The department or the Division of  
261 Administrative Hearings shall incorporate a parenting time plan

2017590er

262 or Title IV-D Standard Parenting Time Plan as agreed to and  
263 signed by both parents into the administrative support order.  
264 Either parent may at any time file a civil action in a circuit  
265 having jurisdiction and proper venue for a determination of  
266 child custody and rights of parental contact.

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

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

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

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

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

2017590er

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

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

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

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

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

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

317           (i)~~(h)~~ That the parent from whom support is being sought  
318 may file a request for a hearing in writing within 20 days after  
319 the date of mailing or other service of the proposed

2017590er

320 administrative support order or will be deemed to have waived  
321 the right to request a hearing;

322 (j)~~(i)~~ That if the parent from whom support is being sought  
323 does not file a timely request for hearing after service of the  
324 proposed administrative support order, the department will issue  
325 an administrative support order that incorporates the findings  
326 of the proposed administrative support order, and any agreed-  
327 upon parenting time plan. The department will send by regular  
328 mail a copy of the administrative support order and any  
329 incorporated parenting time plan to both parents, or parent and  
330 caregiver if applicable;

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

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

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

346 (n)~~(m)~~ That neither the department nor the Division of  
347 Administrative Hearings has jurisdiction to ~~award or~~ change  
348 child custody or rights of parental contact or time-sharing, and

2017590er

349 these issues may be addressed only in circuit court. The  
350 department or the Division of Administrative Hearings may  
351 incorporate, if agreed to and signed by both parents, a  
352 parenting time plan or Title IV-D Standard Parenting Time Plan  
353 when the administrative support order is established.

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

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

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

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

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

2017590er

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

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

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

394  
395 The department may serve the notice of proceeding to establish  
396 an administrative support order and agreed-upon parenting time  
397 plan or Title IV-D Standard Parenting Time Plan by certified  
398 mail, restricted delivery, return receipt requested.

399 Alternatively, the department may serve the notice by any means  
400 permitted for service of process in a civil action. For purposes  
401 of this section, an authorized employee of the department may  
402 serve the notice and execute an affidavit of service. Service by  
403 certified mail is completed when the certified mail is received  
404 or refused by the addressee or by an authorized agent as  
405 designated by the addressee in writing. If a person other than  
406 the addressee signs the return receipt, the department shall

2017590er

407 attempt to reach the addressee by telephone to confirm whether  
408 the notice was received, and the department shall document any  
409 telephonic communications. If someone other than the addressee  
410 signs the return receipt, the addressee does not respond to the  
411 notice, and the department is unable to confirm that the  
412 addressee has received the notice, service is not completed and  
413 the department shall attempt to have the addressee served  
414 personally. The department shall provide the parent from whom  
415 support is not being sought or the caregiver with a copy of the  
416 notice by regular mail to the last known address of the parent  
417 from whom support is not being sought or caregiver.

418 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

419 (a) After serving notice upon a parent in accordance with  
420 subsection (4), the department shall calculate that parent's  
421 child support obligation under the child support guidelines  
422 schedule as provided by s. 61.30, based on any timely financial  
423 affidavits received and other information available to the  
424 department. If either parent fails to comply with the  
425 requirement to furnish a financial affidavit, the department may  
426 proceed on the basis of information available from any source,  
427 if such information is sufficiently reliable and detailed to  
428 allow calculation of guideline schedule amounts under s. 61.30.  
429 If a parent receives public assistance and fails to submit a  
430 financial affidavit, the department may submit a financial  
431 affidavit or written declaration for that parent pursuant to s.  
432 61.30(15). If there is a lack of sufficient reliable information  
433 concerning a parent's actual earnings for a current or past  
434 period, it shall be presumed for the purpose of establishing a  
435 support obligation that the parent had an earning capacity equal

2017590er

436 to the federal minimum wage during the applicable period.

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

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

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

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

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

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



2017590er

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

474           6. If an administrative support order that establishes a  
475 parent's support obligation and incorporates either a parenting  
476 time plan or Title IV-D Standard Parenting Time Plan agreed to  
477 and signed by both parents is rendered, whether after a hearing  
478 or without a hearing, the department may enforce the  
479 administrative support order by any lawful means. The department  
480 does not have the jurisdiction or authority to enforce a  
481 parenting time plan.

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

491           (7) ADMINISTRATIVE SUPPORT ORDER.—

492           (a) If a hearing is held, the administrative law judge of  
493 the Division of Administrative Hearings shall issue an

2017590er

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

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

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

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

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

2017590er

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

2017590er

552 the amount owed.

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

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

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

568 (1) A Title IV-D Standard Parenting Time Plan shall be  
569 presented to the parents in any administrative action taken by  
570 the Title IV-D program to establish or modify child support or  
571 to determine paternity. If the parents agree to the Title IV-D  
572 Standard Parenting Time Plan or to another parenting time plan,  
573 the plan must be signed by the parents and incorporated into the  
574 administrative order. If the parents do not agree to a Title IV-  
575 D Standard Parenting Time Plan or if an agreed-upon parenting  
576 time plan is not included, the Department of Revenue must enter  
577 an administrative support order and refer the parents to the  
578 court of appropriate jurisdiction to establish a parenting time  
579 plan. The department must note on the referral that an  
580 administrative support order has been entered. If a parenting

2017590er

581 time plan is not included in the administrative support order  
582 entered pursuant to s. 409.2563, the department must provide  
583 information to the parents on the process to establish such a  
584 plan.

585 (2) After the incorporation of an agreed-upon parenting  
586 time plan into an administrative order, a modification or  
587 enforcement of the parenting time plan may be sought through a  
588 court of appropriate jurisdiction.

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

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

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

604 (c) Thanksgiving break.—In even-numbered years, the  
605 Thanksgiving break from 6 p.m. on the Wednesday before  
606 Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.  
607 If both parents agree, the Thanksgiving break parenting time may  
608 begin upon the child's release from school and end upon the  
609 child's return to school the following Monday;

2017590er

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

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

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

625        (4) In the event the parents have not agreed on a parenting  
626 schedule at the time of the child support hearing, the  
627 department shall enter an administrative support order and refer  
628 the parents to a court of appropriate jurisdiction for the  
629 establishment of a parenting time plan.

630        (5) The Title IV-D Standard Parenting Time Plan is not  
631 intended for the use by, and may not be provided to, parents and  
632 families with domestic or family violence concerns.

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

638        (7) The department shall create and provide a form for a

2017590er

639 petition to establish a parenting time plan for parents who have  
640 not agreed on a parenting schedule at the time of the child  
641 support hearing. The department shall provide the form to the  
642 parents, but may not file the petition or represent either  
643 parent at the hearing.

644 (8) The parents may not be required to pay a fee to file  
645 the petition to establish a parenting plan.

646 (9) The department may adopt rules to implement and  
647 administer this section.

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

650 409.2564 Actions for support.—

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

2017590er

668 Families in Need of Services, and chapter 985, Delinquency;  
669 Interstate Compact on Juveniles, may govern actions instituted  
670 under ~~the provisions of~~ this act, except that actions for  
671 support under chapter 39, chapter 984, or chapter 985 brought  
672 pursuant to this act shall not require any additional  
673 investigation or supervision by the department.

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

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

692 409.256 Administrative proceeding to establish paternity or  
693 paternity and child support; order to appear for genetic  
694 testing.—

695 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO  
696 THE COURTS.—



2017590er

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

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

2017590er

726 notice or order to appear for genetic testing and execute an  
727 affidavit of service. The department may serve an order to  
728 appear for genetic testing on a caregiver. The department shall  
729 provide a copy of the notice or order to appear by regular mail  
730 to the mother and caregiver, if they are not respondents.

731 (a) A notice of proceeding to establish paternity must  
732 state:

733 1. That the department has commenced an administrative  
734 proceeding to establish whether the putative father is the  
735 biological father of the child named in the notice.

736 2. The name and date of birth of the child and the name of  
737 the child's mother.

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

741 4. That the respondent is required to submit to genetic  
742 testing.

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

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

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

754 a. Issue a proposed order of paternity that the respondent

2017590er

755 may consent to or contest at an administrative hearing; or

756       b. Commence a proceeding, as provided in s. 409.2563, to  
757 establish an administrative support order for the child. Notice  
758 of the proceeding shall be provided to the respondent by regular  
759 mail.

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

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

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

781       11. That the respondent may file an action in circuit court  
782 for a determination of paternity, child support obligations, or  
783 both.

2017590er

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

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

792

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

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

798           409.2572 Cooperation.—

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

805           Section 9. The Department of Revenue shall report to the  
806 Governor, the President of the Senate, and the Speaker of the  
807 House of Representatives by December 31, 2018, on the status of  
808 the implementation of this act, including the number of  
809 parenting plans entered with administrative support orders and  
810 the number of parents referred to the circuit court to determine  
811 a parenting plan. The report must include recommendations to  
812 facilitate further implementation of this act.

2017590er

813           Section 10. For the 2017-2018 fiscal year, the sums of  
814 \$350,476 in recurring funds and \$690,650 in nonrecurring funds  
815 are appropriated from the General Revenue Fund to the Department  
816 of Revenue for the purpose of implementing this act.

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