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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 481 and 482

insert:

Section 13. Subsection (16) of section 409.2554, Florida Statutes, is amended to read:

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

(16) "Title IV-D Standard Parenting Time Plan" means a document that may be agreed to and signed by the parents before a notary public to govern the relationship between the parents



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12 and to provide the parent who owes support a reasonable minimum  
13 amount of time with his or her child. The plan set forth in s.  
14 409.25633 includes timetables that specify the time, including  
15 overnights and holidays, that a child may spend with each  
16 parent.

17 Section 14. Subsection (2) of section 409.2557, Florida  
18 Statutes, is amended to read:

19 409.2557 State agency for administering child support  
20 enforcement program.—

21 (2) The department in its capacity as the state Title IV-D  
22 agency has the authority to take actions necessary to carry out  
23 the public policy of ensuring that children are maintained from  
24 the resources of their parents to the extent possible. The  
25 department's authority includes, but is not limited to, the  
26 establishment of paternity or support obligations, the  
27 establishment of a Title IV-D Standard Parenting Time Plan or  
28 any other parenting time plan agreed to and signed by the  
29 parents before a notary public, and the modification,  
30 enforcement, and collection of support obligations.

31 Section 15. Paragraphs (e), (f), and (h) of subsection (2),  
32 subsection (4), paragraph (c) of subsection (5), and paragraphs  
33 (a), (c), and (d) of subsection (7) of section 409.2563, Florida  
34 Statutes, are amended to read:

35 409.2563 Administrative establishment of child support  
36 obligations.—

37 (2) PURPOSE AND SCOPE.—

38 (e) The administrative procedure set forth in this section  
39 concerns only the establishment of child support obligations  
40 and, if agreed to and signed by both parents before a notary



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41 public, a parenting time plan or Title IV-D Standard Parenting  
42 Time Plan. This section does not grant jurisdiction to the  
43 department or the Division of Administrative Hearings to hear or  
44 determine issues of dissolution of marriage, separation, alimony  
45 or spousal support, termination of parental rights, dependency,  
46 disputed paternity, except for a determination of paternity as  
47 provided in s. 409.256, or change of time-sharing. If both  
48 parents have agreed to and signed a parenting time plan before  
49 the establishment of the administrative support order, the  
50 department or the Division of Administrative Hearings shall  
51 incorporate the agreed-upon parenting time plan into the  
52 administrative support order. This paragraph notwithstanding,  
53 the department and the Division of Administrative Hearings may  
54 make findings of fact that are necessary for a proper  
55 determination of a parent's support obligation as authorized by  
56 this section.

57 (f) If there is no support order for a child in a Title IV-  
58 D case whose paternity has been established or is presumed by  
59 law, or whose paternity is the subject of a proceeding under s.  
60 409.256, the department may establish a parent's child support  
61 obligation pursuant to this section, s. 61.30, and other  
62 relevant provisions of state law. The administrative support  
63 order must include a parenting time plan or Title IV-D Standard  
64 Parenting Time Plan as agreed to and signed by both parents  
65 before a notary public. The parent's obligation determined by  
66 the department may include any obligation to pay retroactive  
67 support and any obligation to provide for health care for a  
68 child, whether through insurance coverage, reimbursement of  
69 expenses, or both. The department may proceed on behalf of:



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- 70           1. An applicant or recipient of public assistance, as  
71 provided by ss. 409.2561 and 409.2567;  
72           2. A former recipient of public assistance, as provided by  
73 s. 409.2569;  
74           3. An individual who has applied for services as provided  
75 by s. 409.2567;  
76           4. Itself or the child, as provided by s. 409.2561; or  
77           5. A state or local government of another state, as  
78 provided by chapter 88.

79           (h) Pursuant to paragraph (e), neither the department nor  
80 the Division of Administrative Hearings has jurisdiction to  
81 change child custody or rights of parental contact. The  
82 department or the Division of Administrative Hearings shall  
83 incorporate a parenting time plan or Title IV-D Standard  
84 Parenting Time Plan as agreed to and signed by both parents  
85 before a notary public into the administrative support order.  
86 Either parent may at any time file a civil action in a circuit  
87 having jurisdiction and proper venue for a determination of  
88 child custody and rights of parental contact.

89           (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE  
90 SUPPORT ORDER.—To commence a proceeding under this section, the  
91 department shall provide to the parent from whom support is not  
92 being sought and serve the parent from whom support is being  
93 sought with a notice of proceeding to establish administrative  
94 support order, a copy of the Title IV-D Standard Parenting Time  
95 Plan, and a blank financial affidavit form. The notice must  
96 state all of the following:

97           (a) The names of both parents, the name of the caregiver,  
98 if any, and the name and date of birth of the child or



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99 children.†

100 (b) That the department intends to establish an  
101 administrative support order as defined in this section.†

102 (c) That the department will incorporate a parenting time  
103 plan or Title IV-D Standard Parenting Time Plan, as agreed to  
104 and signed by both parents before a notary public, into the  
105 administrative support order.†

106 (d) That both parents must submit a completed financial  
107 affidavit to the department within 20 days after receiving the  
108 notice, as provided by paragraph (13) (a).†

109 (e) That both parents, or parent and caregiver if  
110 applicable, are required to furnish to the department  
111 information regarding their identities and locations, as  
112 provided by paragraph (13) (b).†

113 (f) That both parents, or parent and caregiver if  
114 applicable, are required to promptly notify the department of  
115 any change in their mailing addresses to ensure receipt of all  
116 subsequent pleadings, notices, and orders, as provided by  
117 paragraph (13) (c).†

118 (g) That the department will calculate support obligations  
119 based on the child support guidelines schedule in s. 61.30 and  
120 using all available information, as provided by paragraph  
121 (5) (a), and will incorporate such obligations into a proposed  
122 administrative support order.†

123 (h) That the department will send by regular mail to both  
124 parents, or parent and caregiver if applicable, a copy of the  
125 proposed administrative support order, the department's child  
126 support worksheet, and any financial affidavits submitted by a  
127 parent or prepared by the department.†



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128           (i) That the parent from whom support is being sought may  
129 file a request for a hearing in writing within 20 days after the  
130 date of mailing or other service of the proposed administrative  
131 support order or will be deemed to have waived the right to  
132 request a hearing.†

133           (j) That if the parent from whom support is being sought  
134 does not file a timely request for hearing after service of the  
135 proposed administrative support order, the department will issue  
136 an administrative support order that incorporates the findings  
137 of the proposed administrative support order, and any agreed-  
138 upon parenting time plan. The department will send by regular  
139 mail a copy of the administrative support order and any  
140 incorporated parenting time plan to both parents, or parent and  
141 caregiver if applicable.†

142           (k) That after an administrative support order is rendered  
143 incorporating any agreed-upon parenting time plan, the  
144 department will file a copy of the order with the clerk of the  
145 circuit court.†

146           (l) That after an administrative support order is rendered,  
147 the department may enforce the administrative support order by  
148 any lawful means. The department does not have jurisdiction to  
149 enforce any parenting time plan that is incorporated into an  
150 administrative support order.†

151           (m) That either parent, or caregiver if applicable, may  
152 file at any time a civil action in a circuit court having  
153 jurisdiction and proper venue to determine parental support  
154 obligations, if any, and that a support order issued by a  
155 circuit court supersedes an administrative support order  
156 rendered by the department.†



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157           (n) That neither the department nor the Division of  
158 Administrative Hearings has jurisdiction to change child custody  
159 or rights of parental contact or time-sharing, and these issues  
160 may be addressed only in circuit court. The department or the  
161 Division of Administrative Hearings may incorporate, if agreed  
162 to and signed by both parents before a notary public, a  
163 parenting time plan or Title IV-D Standard Parenting Time Plan  
164 when the administrative support order is established.

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

168           2. The parent from whom support is being sought may state  
169 in writing to the department his or her intention to address  
170 issues concerning custody or rights to parental contact in  
171 circuit court.

172           3. If the parent from whom support is being sought submits  
173 the request authorized in subparagraph 1., or the statement  
174 authorized in subparagraph 2. to the department within 20 days  
175 after the receipt of the initial notice, the department shall  
176 file a petition in circuit court for the determination of the  
177 parent's child support obligations, and shall send to the parent  
178 from whom support is being sought a copy of its petition, a  
179 notice of commencement of action, and a request for waiver of  
180 service of process as provided in the Florida Rules of Civil  
181 Procedure.

182           4. If, within 10 days after receipt of the department's  
183 petition and waiver of service, the parent from whom support is  
184 being sought signs and returns the waiver of service form to the  
185 department, the department shall terminate the administrative



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186 proceeding without prejudice and proceed in circuit court.

187         5. In any circuit court action filed by the department  
188 pursuant to this paragraph or filed by a parent from whom  
189 support is being sought or other person pursuant to paragraph  
190 (m) or paragraph (o), the department shall be a party only with  
191 respect to those issues of support allowed and reimbursable  
192 under Title IV-D of the Social Security Act. It is the  
193 responsibility of the parent from whom support is being sought  
194 or other person to take the necessary steps to present other  
195 issues for the court to consider.~~+~~

196         (o) That if the parent from whom support is being sought  
197 files an action in circuit court and serves the department with  
198 a copy of the petition within 20 days after being served notice  
199 under this subsection, the administrative process ends without  
200 prejudice and the action must proceed in circuit court.~~;~~~~and~~

201         (p) Information provided by the Office of State Courts  
202 Administrator concerning the availability and location of self-  
203 help programs for those who wish to file an action in circuit  
204 court but who cannot afford an attorney.

205  
206 The department may serve the notice of proceeding to establish  
207 an administrative support order and agreed-upon parenting time  
208 plan or Title IV-D Standard Parenting Time Plan by certified  
209 mail, restricted delivery, return receipt requested.  
210 Alternatively, the department may serve the notice by any means  
211 permitted for service of process in a civil action. For purposes  
212 of this section, an authorized employee of the department may  
213 serve the notice and execute an affidavit of service. Service by  
214 certified mail is completed when the certified mail is received





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215 or refused by the addressee or by an authorized agent as  
216 designated by the addressee in writing. If a person other than  
217 the addressee signs the return receipt, the department shall  
218 attempt to reach the addressee by telephone to confirm whether  
219 the notice was received, and the department shall document any  
220 telephonic communications. If someone other than the addressee  
221 signs the return receipt, the addressee does not respond to the  
222 notice, and the department is unable to confirm that the  
223 addressee has received the notice, service is not completed and  
224 the department shall attempt to have the addressee served  
225 personally. The department shall provide the parent from whom  
226 support is not being sought or the caregiver with a copy of the  
227 notice by regular mail to the last known address of the parent  
228 from whom support is not being sought or caregiver.

229 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

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

233 1. The parent from whom support is being sought may, within  
234 20 days after the date of mailing or other service of the  
235 proposed administrative support order, request a hearing by  
236 filing a written request for hearing in a form and manner  
237 specified by the department;

238 2. If the parent from whom support is being sought files a  
239 timely request for a hearing, the case shall be transferred to  
240 the Division of Administrative Hearings, which shall conduct  
241 further proceedings and may enter an administrative support  
242 order;

243 3. A parent from whom support is being sought who fails to



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244 file a timely request for a hearing shall be deemed to have  
245 waived the right to a hearing, and the department may render an  
246 administrative support order pursuant to paragraph (7) (b);

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

250 5. The parent from whom support is being sought may, within  
251 10 days after the date of mailing or other service of the  
252 proposed administrative support order, contact a department  
253 representative, at the address or telephone number specified in  
254 the notice, to informally discuss the proposed administrative  
255 support order and, if informal discussions are requested timely,  
256 the time for requesting a hearing will be extended until 10 days  
257 after the department notifies the parent that the informal  
258 discussions have been concluded; and

259 6. If an administrative support order that establishes a  
260 parent's support obligation and incorporates either a parenting  
261 time plan or Title IV-D Standard Parenting Time Plan agreed to  
262 and signed by both parents before a notary public is rendered,  
263 whether after a hearing or without a hearing, the department may  
264 enforce the administrative support order by any lawful means.  
265 The department does not have the jurisdiction or authority to  
266 enforce a parenting time plan.

267 (7) ADMINISTRATIVE SUPPORT ORDER.—

268 (a) If a hearing is held, the administrative law judge of  
269 the Division of Administrative Hearings shall issue an  
270 administrative support order that will include a parenting time  
271 plan or Title IV-D Standard Parenting Time Plan agreed to and  
272 signed by both parents before a notary public, or a final order



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273 denying an administrative support order, which constitutes final  
274 agency action by the department. The Division of Administrative  
275 Hearings shall transmit any such order to the department for  
276 filing and rendering.

277 (c) If the parent from whom support is being sought waives  
278 the right to a hearing, or consents in writing to the entry of  
279 an order without a hearing, the department may render an  
280 administrative support order that will include a parenting time  
281 plan or Title IV-D Standard Parenting Time Plan agreed to and  
282 signed by both parents before a notary public.

283 (d) The department shall send by regular mail a copy of the  
284 administrative support order that will include a parenting time  
285 plan or Title IV-D Standard Parenting Time Plan agreed to and  
286 signed by both parents before a notary public, or the final  
287 order denying an administrative support order, to both parents,  
288 or a parent and caregiver if applicable. The parent from whom  
289 support is being sought shall be notified of the right to seek  
290 judicial review of the administrative support order in  
291 accordance with s. 120.68.

292 Section 16. Subsections (1), (3), and (6) of section  
293 409.25633, Florida Statutes, are amended to read:

294 409.25633 Title IV-D Standard Parenting Time Plans.—The  
295 best interest of the child is the primary consideration of the  
296 parenting plan, and special consideration should be given to the  
297 age and needs of each child. There is no presumption for or  
298 against the father or mother of the child or for or against any  
299 specific time-sharing schedule when a parenting time plan is  
300 created.

301 (1) A Title IV-D Standard Parenting Time Plan shall be



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302 presented to the parents in any administrative action taken by  
303 the Title IV-D program to establish or modify child support or  
304 to determine paternity. If the parents agree to the Title IV-D  
305 Standard Parenting Time Plan or to another parenting time plan,  
306 the plan must be signed by the parents before a notary public  
307 and incorporated into the administrative order. If the parents  
308 do not agree to a Title IV-D Standard Parenting Time Plan or if  
309 an agreed-upon parenting time plan is not included, the  
310 Department of Revenue must enter an administrative support order  
311 and refer the parents to the court of appropriate jurisdiction  
312 to establish a parenting time plan. The department must note on  
313 the referral that an administrative support order has been  
314 entered. If a parenting time plan is not included in the  
315 administrative support order entered pursuant to s. 409.2563,  
316 the department must provide information to the parents on the  
317 process to establish such a plan.

318 (3) The parent who owes support is entitled to parenting  
319 time with the child. If the parents do not have a signed,  
320 agreed-upon parenting time plan, the following Title IV-D  
321 Standard Parenting Time Plan must be incorporated into an  
322 administrative support order if agreed to and signed by the  
323 parents before a notary public:

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

330 (b) *One evening per week.*—One weekday beginning at 6 p.m.



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331 and ending at 8 p.m. or, if both parents agree, from when the  
332 child is released from school until 8 p.m.;

333 (c) *Thanksgiving break.*—In even-numbered years, the  
334 Thanksgiving break from 6 p.m. on the Wednesday before  
335 Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.  
336 If both parents agree, the Thanksgiving break parenting time may  
337 begin upon the child's release from school and end upon the  
338 child's return to school the following Monday;

339 (d) *Winter break.*—In odd-numbered years, the first half of  
340 winter break, from the child's release from school, beginning at  
341 6 p.m. or, if both parents agree, upon the child's release from  
342 school, until noon on December 26. In even-numbered years, the  
343 second half of winter break from noon on December 26 until 6  
344 p.m. on the day before school resumes or, if both parents agree,  
345 upon the child's return to school;

346 (e) *Spring break.*—In even-numbered years, the week of  
347 spring break from 6 p.m. the day the child is released from  
348 school until 6 p.m. the night before school resumes. If both  
349 parents agree, the spring break parenting time may begin upon  
350 the child's release from school and end upon the child's return  
351 to school the following Monday; and

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

354 (6) If, after the incorporation of an agreed-upon parenting  
355 time plan signed by both parents before a notary public into an  
356 administrative support order, a parent becomes concerned about  
357 the safety of the child during the child's time with the other  
358 parent, a modification of the parenting time plan may be sought  
359 through a court of appropriate jurisdiction.



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360 Section 17. Subsections (1) and (2) of section 409.2564,  
361 Florida Statutes, are amended to read:

362 409.2564 Actions for support.—

363 (1) In each case in which regular support payments are not  
364 being made as provided herein, the department shall institute,  
365 within 30 days after determination of the obligor's reasonable  
366 ability to pay, action as is necessary to secure the obligor's  
367 payment of current support, any arrearage that may have accrued  
368 under an existing order of support, and, if a parenting time  
369 plan was not incorporated into the existing order of support,  
370 include either a signed, notarized, and agreed-upon parenting  
371 time plan or a signed and notarized Title IV-D Standard  
372 Parenting Time Plan, if appropriate. The department shall notify  
373 the program attorney in the judicial circuit in which the  
374 recipient resides setting forth the facts in the case, including  
375 the obligor's address, if known, and the public assistance case  
376 number. Whenever applicable, the procedures established under  
377 chapter 88, Uniform Interstate Family Support Act, chapter 61,  
378 Dissolution of Marriage; Support; Time-sharing, chapter 39,  
379 Proceedings Relating to Children, chapter 984, Children and  
380 Families in Need of Services, and chapter 985, Delinquency;  
381 Interstate Compact on Juveniles, may govern actions instituted  
382 under this act, except that actions for support under chapter  
383 39, chapter 984, or chapter 985 brought pursuant to this act  
384 shall not require any additional investigation or supervision by  
385 the department.

386 (2) The order for support entered pursuant to an action  
387 instituted by the department under subsection (1) shall require  
388 that the support payments be made periodically to the department



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389 through the depository. An order for support entered under  
390 subsection (1) must include either a signed, notarized, and  
391 agreed-upon parenting time plan or a signed and notarized Title  
392 IV-D Standard Parenting Time Plan, if appropriate. Upon receipt  
393 of a payment made by the obligor pursuant to any order of the  
394 court, the depository shall transmit the payment to the  
395 department within 2 working days, except those payments made by  
396 personal check which shall be disbursed in accordance with s.  
397 61.181. Upon request, the depository shall furnish to the  
398 department a certified statement of all payments made by the  
399 obligor. Such statement shall be provided by the depository at  
400 no cost to the department.

401

402 ===== T I T L E A M E N D M E N T =====

403 And the title is amended as follows:

404 Delete line 59

405 and insert:

406 rights; amending s. 409.2554, F.S.; revising the  
407 definition of "Title IV-D Standard Parenting Time  
408 Plan"; amending ss. 409.2557, 409.2563, 409.25633, and  
409 409.2564, F.S.; requiring that certain parenting time  
410 plans be signed before a notary public; providing an  
411 effective date.