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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/06/2019	.	
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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.