

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Children, Families &
 2 Seniors Subcommittee
 3 Representative Andrade offered the following:
 4

Amendment (with title amendment)

6 Remove lines 202-425 and insert:

7 retirement or disability of the child's parent must be included
 8 in the parent's gross income.

9 (10) (a) Each parent's actual dollar share of the total
 10 minimum child support need is ~~shall be~~ determined by multiplying
 11 the minimum child support need by each parent's percentage share
 12 of the combined monthly net income.

13 (b)1. A parent is entitled to credit for social security
 14 benefits that are paid directly to the child or the child's
 15 caregiver, as defined in s. 39.01(10), when the benefits are
 16 paid because of the parent's retirement or disability. If the

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17 social security benefits paid are equal to or greater than the
18 parent's monthly support obligation, the parent's monthly
19 support obligation is considered paid in full for each month
20 such benefits are paid. Any social security benefits paid in
21 excess of the monthly support obligation inure to the benefit of
22 the child and may not be used to pay past due or retroactive
23 support that accrued before the social security benefits
24 commenced. If the social security benefits paid are less than
25 the parent's monthly support obligation, the parent must pay the
26 amount of the difference to satisfy the monthly obligation.

27 2. If a parent is entitled to credit under subparagraph
28 1., he or she may file a motion with the court or include the
29 request in a petition to modify the support order. In a Title
30 IV-D case, the department may apply the credit after proper
31 notice is provided and an opportunity for a hearing. If credit
32 is determined and applied by the department, the department
33 shall notify the clerk of court and the clerk shall update the
34 payment record.

35 Section 4. Paragraph (i) of subsection (1) of section
36 409.256, Florida Statutes, is amended to read:

37 409.256 Administrative proceeding to establish paternity
38 or paternity and child support; order to appear for genetic
39 testing.-

40 (1) DEFINITIONS.-As used in this section, the term:

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41 (i) "Rendered" means that a signed written order is issued
42 ~~by filed with the clerk or a deputy clerk of the department of~~
43 ~~Revenue and served on the respondent. The date of filing must be~~
44 ~~indicated on the face of the order at the time of rendition.~~

45 Section 5. Paragraph (e) of subsection (1) and subsection
46 (8) of section 409.2563, Florida Statutes, are amended to read:

47 409.2563 Administrative establishment of child support
48 obligations.-

49 (1) DEFINITIONS.-As used in this section, the term:

50 (e) "Rendered" means that a signed written order is issued
51 ~~by filed with the clerk or any deputy clerk of the department~~
52 ~~and served on the respondent. The date of filing must be~~
53 ~~indicated on the face of the order at the time of rendition.~~

54
55 Other terms used in this section have the meanings ascribed in
56 ss. 61.046 and 409.2554.

57 (8) FILING WITH THE CLERK OF THE CIRCUIT COURT; OFFICIAL
58 PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.-The department
59 shall file with the clerk of the circuit court a ~~certified~~ copy
60 of an administrative support order rendered under this section.
61 The depository operated under ~~pursuant to~~ s. 61.181 for the
62 county where the administrative support order has been filed
63 shall:

64 (a) Act as the official recordkeeper for payments required
65 under the administrative support order.~~†~~

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66 (b) Establish and maintain the necessary payment
67 accounts.~~†~~

68 (c) Upon a delinquency, initiate the judgment by operation
69 of law procedure as provided by s. 61.14(6).~~† and~~

70 (d) Perform all other duties required of a depository with
71 respect to a support order entered by a court of this state.

72

73 When a proceeding to establish an administrative support order
74 is commenced under subsection (4), the department shall file a
75 copy of the initial notice with the depository. The depository
76 shall assign an account number and provide the account number to
77 the department within 4 business days after the initial notice
78 is filed.

79 Section 6. Subsection (4) of section 409.25656, Florida
80 Statutes, is amended to read:

81 409.25656 Garnishment.—

82 (4) A notice that is delivered under this section is
83 effective at the time of delivery against all credits, other
84 personal property, or debts of the obligor which are not at the
85 time of such notice subject to an attachment, garnishment, or
86 execution issued through a judicial process. If a person
87 requiring notice under this section provides his or her written
88 consent, the department may deliver notice through secure
89 electronic means.

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90 Section 7. Section 409.25658, Florida Statutes, is amended
91 to read:

92 409.25658 Use of unclaimed property for past due support.-

93 (1) In a joint effort to facilitate the collection and
94 payment of past due support, the department ~~of Revenue~~, in
95 cooperation with the Department of Financial Services, shall
96 identify persons owing support collected by the department
97 ~~through a court~~ who are presumed to have unclaimed property held
98 by the Department of Financial Services.

99 (2) The Department of Financial Services ~~department~~ shall
100 periodically provide the department ~~of Financial Services~~ with
101 an electronic file of unclaimed property accounts. The
102 department shall use the data to identify support obligors with
103 unclaimed property accounts and provide the Department of
104 Financial Services with an electronic file that includes the
105 names and other personal identifying information of the support
106 obligors ~~support obligors who owe past due support~~. The
107 ~~Department of Financial Services shall conduct a data match of~~
108 ~~the file against all apparent owners of unclaimed property under~~
109 ~~chapter 717 and provide the resulting match list to the~~
110 ~~department~~.

111 (3) The department is authorized, as the state's Title IV-
112 D agency under s. 409.2557(1), to submit claims for unclaimed
113 property to the Department of Financial Services, in accordance
114 with the standards established by the Department of Financial

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115 Services, for the purpose of collecting past due support ~~Upon~~
116 ~~receipt of the data match list, the department shall provide to~~
117 ~~the Department of Financial Services the obligor's last known~~
118 ~~address. The Department of Financial Services shall follow the~~
119 ~~notification procedures under s. 717.118.~~

120 (4) Before ~~Prior to~~ paying an obligor's approved claim,
121 the Department of Financial Services must ~~shall~~ notify the
122 department that such claim has been approved. Upon confirmation
123 that the Department of Financial Services has approved the claim
124 or a claim submitted by the department, the department shall
125 ~~immediately~~ send a notice by regular ~~certified~~ mail to the
126 obligor, ~~with a copy to the Department of Financial Services,~~
127 advising the obligor of the department's intent to intercept the
128 property approved claim up to the amount of the past due
129 support, and informing the obligor of the obligor's right to
130 request a hearing under chapter 120. If a hearing is requested,
131 the Department of Financial Services shall retain custody of the
132 property until a final order has been entered and any appeals
133 thereon have been concluded. If the obligor fails to request a
134 hearing, the department shall inform ~~enter a final order~~
135 ~~instructing~~ the Department of Financial Services to transfer to
136 the department the property up to in the amount of the past due
137 support stated in the final order. Upon such transfer, the
138 Department of Financial Services is ~~shall be~~ released from
139 further liability related to the transferred property.

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140 (5) ~~The provisions of~~ This section provides ~~provide~~ a
141 supplemental remedy, and the department may use this remedy in
142 conjunction with any other method of collecting support.

143 Section 8. Subsection (1) of section 409.2567, Florida
144 Statutes, is amended to read:

145 409.2567 Services to individuals not otherwise eligible.-

146 (1)(a) All support services provided by the department
147 must ~~shall~~ be made available on behalf of all dependent
148 children. Services must ~~shall~~ be provided upon acceptance of
149 public assistance or upon proper application filed with the
150 department. The federally required application fee for
151 individuals who do not receive public assistance is \$1, which is
152 ~~shall be~~ waived for all applicants and paid by the department.
153 The annual fee required under 42 U.S.C. s. 654(6)(B), as amended
154 by Pub. L. No. 115-123, for cases involving an individual who
155 has never received temporary cash assistance and for whom the
156 department has collected the federally required minimum amount
157 of support must ~~shall~~ be paid by the department.

158 (b) The department may include confidential and exempt
159 information in communications via unencrypted e-mail with a
160 parent, caregiver, or other person authorized to receive such
161 information upon receiving written consent from the parent,
162 caregiver, or other person. However, social security numbers,
163 federal tax information, driver license numbers, and bank

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164 account numbers may not be included in communications via
165 unencrypted e-mail even if such consent is received.

166 Section 9. Section 409.2576, Florida Statutes, is amended
167 to read:

168 409.2576 State Directory of New Hires.—

169 (1) DIRECTORY CREATED.—The State Directory of New Hires is
170 ~~hereby~~ created and shall be administered by the Department of
171 Revenue or its agent. All employers and service recipients in
172 the state must ~~shall~~ furnish a report consistent with subsection
173 (3) for each newly hired or rehired employee or each individual
174 who performs a service for a service recipient unless the
175 employee or individual is employed by a federal or state agency
176 performing intelligence or counterintelligence functions and the
177 head of such agency has determined that reporting under ~~pursuant~~
178 ~~to~~ this section could endanger the safety of the employee or
179 individual or compromise an ongoing investigation or
180 intelligence mission.

181 (2) DEFINITIONS.—For purposes of this section, the term:

182 (a)-(d) "Date of hire" is the first day of work for which
183 an ~~the~~ employee or individual is owed income.

184 (b)-(a) "Employee" has the same meaning given such term in
185 s. 3401(d) ~~is defined as an individual who is an employee within~~
186 ~~the meaning of chapter 24~~ of the Internal Revenue Code of 1986.

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187 ~~(c)-(b)~~ "Employer" has the meaning given such term in s.
188 3401(d) of the Internal Revenue Code of 1986 and includes any
189 government entity and labor organization.

190 ~~(d)-(e)~~ "Labor organization" has the meaning given such
191 term in s. 2(5) of the National Labor Relations Act and includes
192 any entity which is used by the organization and an employer to
193 carry out requirements described in s. 8(f)(3) of such act of an
194 agreement between the organization and employer.

195 (e) "Service recipient" means a person engaged in a trade
196 or business and for whom a service is performed by an individual
197 in a capacity other than that of an employee.

198 (3) EMPLOYERS AND SERVICE RECIPIENTS TO FURNISH REPORTS.-

199 ~~(a) Each employer subject to the reporting requirements of~~
200 ~~chapter 443 with 250 or more employees, shall provide to the~~
201 ~~State Directory of New Hires, a report listing the employer's~~
202 ~~legal name, address, and reemployment assistance identification~~
203 ~~number. The report must also provide the name and social~~
204 ~~security number of each new employee or rehired employee at the~~
205 ~~end of the first pay period following employment or~~
206 ~~reemployment.~~

207 ~~(a)-(b)~~ All employers must ~~shall~~ furnish a report to the
208 State Directory of New Hires of the state in which a ~~the~~ newly
209 hired or rehired employee works. The report required in this
210 section must ~~shall~~ be made on a W-4 form or, at the option of
211 the employer, an equivalent form, and can be transmitted

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212 magnetically, electronically, by first-class mail, or other
213 methods which may be prescribed by the State Directory. Each
214 report must ~~shall~~ include the name, address, date of hire, and
215 social security number of every new and rehired employee and the
216 name, address, and federal employer identification number of the
217 reporting employer. If available, the employer may also include
218 the employee's date of birth in the report. Multistate employers
219 and service recipients that report new hire information and
220 information concerning other individuals subject to reporting
221 electronically or magnetically may designate a single state to
222 which it will transmit the above noted reports ~~report~~, provided
223 the employer or service recipient has employees or other
224 individuals subject to reporting perform services in that state
225 and the employer or service recipient notifies the Secretary of
226 Health and Human Services in writing to which state the
227 information will be provided. Agencies of the United States
228 Government shall report directly to the National Directory of
229 New Hires.

230 (b) All service recipients must furnish a report as
231 provided by paragraph (a) for an individual who performs a
232 service for a service recipient as defined in

234 -----
235 **T I T L E A M E N D M E N T**

236 Remove lines 10-12 and insert:

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1089 (2021)

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237 | reports, upon request, to the Department of Revenue for certain
238 | purposes; requiring the Department of Revenue to provide