



191352

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2021	.	
	.	
	.	
	.	

---

The Committee on Children, Families, and Elder Affairs (Book) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 73 - 280

and insert:

State Disbursement Unit. In Title IV-D cases, an affidavit of default or a default in payments is not required to receive depository services. Upon notice by the department that it is providing Title IV-D services in a case with an existing support order, the depository shall transmit case data through, and set up appropriate payment accounts, regardless of whether there is



191352

11 a delinquency, on the Clerk of Court Child Support Enforcement  
12 Collection System as required under s. 61.181(2) (b).

13 Section 2. Subsection (3) of section 61.1354, Florida  
14 Statutes, is amended to read:

15 61.1354 Sharing of information between consumer reporting  
16 agencies and the IV-D agency.—

17 (3) A consumer reporting agency ~~For purposes of determining~~  
18 ~~an individual's income and establishing an individual's capacity~~  
19 ~~to make support payments or for determining the appropriate~~  
20 ~~amount of child support payment to be made by the individual,~~  
21 ~~consumer reporting agencies shall provide, upon request,~~  
22 ~~consumer reports to the department head of the IV-D agency~~  
23 ~~pursuant to s. 604 of the Fair Credit Reporting Act, provided~~  
24 ~~that the department head of the IV-D agency, or its designee,~~  
25 ~~certifies that:~~

26 (a) The consumer report is needed for the purpose of  
27 ~~determining an individual's income and establishing an~~  
28 ~~individual's capacity to make support payments, ~~or~~ determining~~  
29 ~~the appropriate level of support payments, or enforcing a child~~  
30 ~~support order, award, agreement, or judgment amount of child~~  
31 ~~support payment to be made by the individual;~~

32 (b) The consumer's parentage of the child to whom the  
33 obligation relates has been established or acknowledged by the  
34 consumer in accordance with state laws under which the  
35 obligation arises ~~Paternity of the child of the individual whose~~  
36 ~~report is sought, if that individual is the father of the child,~~  
37 ~~has been established or acknowledged pursuant to the laws of~~  
38 ~~Florida;~~

39 (c) The individual whose report is sought was provided with



191352

40 at least 15 days' prior notice, by regular ~~certified or~~  
41 ~~registered~~ mail to the individual's last known address, that the  
42 report was requested; and

43 (d) The consumer report will be kept confidential, will be  
44 used solely for the purpose described in paragraph (a), and will  
45 not be used in connection with any other civil, administrative,  
46 or criminal proceeding or for any other purpose.

47 Section 3. Present paragraph (c) of subsection (2) of  
48 section 61.30, Florida Statutes, is redesignated as paragraph  
49 (e), new paragraphs (c) and (d) are added to that subsection,  
50 and subsection (10) of that section is amended, to read:

51 61.30 Child support guidelines; retroactive child support.—

52 (2) Income shall be determined on a monthly basis for each  
53 parent as follows:

54 (c) Except for incarceration for willful nonpayment of  
55 child support or for an offense against a child or person who is  
56 owed child support, incarceration may not be treated as  
57 voluntary unemployment in establishing or modifying a support  
58 order. However, the court may deviate from the child support  
59 guideline amount as provided in paragraph (1) (a).

60 (d) Social security benefits received by a minor child due  
61 to the retirement or disability of the child's parent shall be  
62 included in the parent's gross income.

63 (10) (a) Each parent's actual dollar share of the total  
64 minimum child support need shall be determined by multiplying  
65 the minimum child support need by each parent's percentage share  
66 of the combined monthly net income.

67 (b)1. A parent is entitled to credit for social security  
68 benefits paid directly to the child or the child's caregiver



191352

69 when the benefits are paid due to the parent's retirement or  
70 disability. The parent's share of the monthly support obligation  
71 is paid in full each month for which such benefits are paid that  
72 are equal to or greater than the parent's share of the monthly  
73 obligation. If the benefits are less than the parent's share of  
74 the monthly obligation, the parent owes the difference. If the  
75 benefits are more than the parent's share of the monthly  
76 obligation, the excess inures to the benefit of the child and  
77 may not be credited to arrears or retroactive support that  
78 accrued before the benefits commenced.

79 2. To obtain credit for social security benefits paid, a  
80 parent subject to a court order for child support, or the  
81 department in a Title IV-D case, may file a motion with the  
82 court or include the request in a petition to modify the support  
83 order. Alternatively, in a Title IV-D case, the department may  
84 determine and apply credit after notice and an opportunity for a  
85 hearing are provided in accordance with chapter 120. If the  
86 department determines that a credit applies, the department  
87 shall notify the clerk of court, and the clerk shall update the  
88 payment record to reflect the credit.

89 Section 4. Paragraph (i) of subsection (1) of section  
90 409.256, Florida Statutes, is amended to read:

91 409.256 Administrative proceeding to establish paternity or  
92 paternity and child support; order to appear for genetic  
93 testing.—

94 (1) DEFINITIONS.—As used in this section, the term:

95 (i) "Rendered" means that a signed written order is issued  
96 by filed with the clerk or a deputy clerk of the Department of  
97 Revenue and served on the respondent. ~~The date of filing must be~~



191352

98 ~~indicated on the face of the order at the time of rendition.~~

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

101 409.2563 Administrative establishment of child support  
102 obligations.-

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

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

108  
109 Other terms used in this section have the meanings ascribed in  
110 ss. 61.046 and 409.2554.

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

117 (a) Act as the official recordkeeper for payments required  
118 under the administrative support order;

119 (b) Establish and maintain the necessary payment accounts;

120 (c) Upon a delinquency, initiate the judgment by operation  
121 of law procedure as provided by s. 61.14(6); and

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

124  
125 When a proceeding to establish an administrative support order  
126 is commenced under subsection (4), the department shall file a



127 copy of the initial notice with the depository. The depository  
128 shall assign an account number and provide the account number to  
129 the department within 4 business days after the initial notice  
130 is filed.

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

133 409.25656 Garnishment.—

134 (4) A notice that is delivered under this section is  
135 effective at the time of delivery against all credits, other  
136 personal property, or debts of the obligor which are not at the  
137 time of such notice subject to an attachment, garnishment, or  
138 execution issued through a judicial process. Upon express  
139 written consent of a person who is or may be in possession of  
140 personal property belonging to the obligor, the department may  
141 deliver the notices required by this section to that person by  
142 secure electronic means.

143 Section 7. Section 409.25658, Florida Statutes, is amended  
144 to read:

145 409.25658 Use of unclaimed property for past due support.—

146 (1) In a joint effort to facilitate the collection and  
147 payment of past due support, the Department of Revenue, in  
148 cooperation with the Department of Financial Services, shall  
149 identify persons owing support collected by the department  
150 ~~through a court~~ who are presumed to have unclaimed property held  
151 by the Department of Financial Services.

152 (2) The Department of Financial Services ~~department~~ shall  
153 periodically provide the department ~~of Financial Services~~ with  
154 an electronic file of unclaimed property accounts. The  
155 department shall use the data to identify obligors with



191352

156 unclaimed property accounts and shall provide the Department of  
157 Financial Services with an electronic data file that includes  
158 the names and other personal identifying information of the  
159 obligors ~~support obligors who owe past due support. The~~  
160 ~~Department of Financial Services shall conduct a data match of~~  
161 ~~the file against all apparent owners of unclaimed property under~~  
162 ~~chapter 717 and provide the resulting match list to the~~  
163 ~~department.~~

164 (3) As the state's Title IV-D agency under s. 409.2557(1),  
165 the department is authorized to submit claims for unclaimed  
166 property to the Department of Financial Services for the purpose  
167 of collecting past due support and shall do so in accordance  
168 with the standards established by the Department of Financial  
169 Services ~~Upon receipt of the data match list, the department~~  
170 ~~shall provide to the Department of Financial Services the~~  
171 ~~obligor's last known address. The Department of Financial~~  
172 ~~Services shall follow the notification procedures under s.~~  
173 ~~717.118.~~

174 (4) Before ~~Prior to~~ paying an obligor's approved claim, the  
175 Department of Financial Services shall notify the department  
176 that such claim has been approved. Upon confirmation that the  
177 Department of Financial Services has approved the claim or a  
178 claim submitted by the department, the department shall  
179 ~~immediately~~ send a notice by regular ~~certified~~ mail to the  
180 obligor, ~~with a copy to the Department of Financial Services,~~  
181 advising the obligor of the department's intent to intercept the  
182 property approved claim up to the amount of the past due  
183 support, and informing the obligor of the obligor's right to  
184 request a hearing under chapter 120. If there is a hearing, the



191352

185 Department of Financial Services shall retain custody of the  
186 property until a final order has been entered and any appeals  
187 thereon have been concluded. If the obligor fails to request a  
188 hearing, the department shall inform ~~enter a final order~~  
189 ~~instructing~~ the Department of Financial Services to transfer to  
190 the department the property up to the amount of past-due support  
191 owed in the amount stated in the final order. Upon such  
192 transfer, the Department of Financial Services shall be released  
193 from further liability related to the transferred property.

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

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

199 409.2567 Services to individuals not otherwise eligible.—

200 (1) (a) All support services provided by the department  
201 shall be made available on behalf of all dependent children.  
202 Services shall be provided upon acceptance of public assistance  
203 or upon proper application filed with the department. The  
204 federally required application fee for individuals who do not  
205 receive public assistance is \$1, which shall be waived for all  
206 applicants and paid by the department. The annual fee required  
207 under 42 U.S.C. s. 654(6)(B), as amended by Pub. L. No. 115-123,  
208 for cases involving an individual who has never received  
209 temporary cash assistance and for whom the department has  
210 collected the federally required minimum amount of support shall  
211 be paid by the department.

212 (b) The department may include confidential and exempt  
213 information in unencrypted electronic mail communications with a





214 parent,

215

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

217 And the title is amended as follows:

218       Delete line 35

219 and insert:

220       exempt information in unencrypted electronic mail

221       communications