

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HB 1087 Child Support

**SPONSOR(S):** Caruso and others

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 536

---

**FINAL HOUSE FLOOR ACTION:** 114 Y's 0 N's

**GOVERNOR'S ACTION:** Approved

---

### SUMMARY ANALYSIS

HB 1087 was passed in the House on April 20, 2023, and subsequently passed the Senate on April 27, 2023.

Title IV-D refers to Title IV, Part D of the federal Social Security Act, which is the federally funded, state administered child support enforcement program. The Department of Revenue (DOR) is Florida's designated Title IV-D agency, and administers the child support program and collects and enforces child support. Each clerk of the circuit court operates a child support depository, and maintains child support accounts. The bill makes several changes to the child support program.

The bill amends section 61.181, F.S., regarding fee processing for child support cases as follows:

- Specifies that the depository is established by the clerk of the circuit court and requires each depository to impose and collect fees for child support payments for all non-Title IV-D cases.
- Resolves statutory inconsistencies, regarding non-Title IV-D child support payments, by revising methods for calculating fee allocations for deposits into the Clerk of Court Child Support Collection (CLERC) Trust Fund, to the clerk of court, and to DOR.
- Requires that moneys remitted to DOR by the depository be remitted at least monthly through the Clerk of the Court Revenue Remittance System operated under s. 28.245, F.S.
- Streamlines processes for reporting to DOR.

The bill also:

- Expands conditions in which a payment agreement with a deferred start date may be used to include when an obligor is participating in good faith job training.
- Removes current state exceptions to the federal prohibition on treating incarceration as voluntary unemployment when establishing or modifying a child support order.
- Authorizes DOR to commence an administrative proceeding to determine paternity, and child support, based on an affidavit or written declaration completed by a nonparent caregiver of the child who has knowledge of the child's paternity.
- Requires the clerk of court to credit a depository payment account for collections received by another state while enforcing the Florida administrative support order associated with the account.
- Updates cross-references, re-organizes material in current law to improve logical flow, and deletes obsolete references.

The bill has no fiscal impact on state and local governments.

The bill was approved by the Governor on May 25, 2023, ch. 2023-152, L.O.F., and will become effective on July 1, 2023.

# I. SUBSTANTIVE INFORMATION

## A. EFFECT OF CHANGES:

### **Background**

#### **Child Support Administration**

##### Federal and State Roles

###### *Title IV-D Cases*

Title IV-D (IV-D) refers to Title IV, Part D of the Social Security Act, which is the federally funded, state-administered child support enforcement program.<sup>1</sup> The IV-D program is administered by the federal Office of Child Support Enforcement (OCSE), within the United States Department of Health and Human Services. The OCSE oversees the national child support program and partners with state and local child support agencies to encourage parental responsibility so that children receive financial, emotional, and medical support from both parents, even when they live in separate households.<sup>2</sup> The OCSE does not provide services directly to families but helps state child support agencies develop, manage, and operate their child support programs effectively and according to federal law.<sup>3</sup>

As Florida's Title IV-D agency,<sup>4</sup> the Department of Revenue (DOR) is responsible for collecting and enforcing child support.<sup>5</sup> Each year, the Child Support Program provides child support services to over one million children and collects over a billion dollars in child support.<sup>6</sup> The Child Support Program works with parents, employers, financial institutions, the Internal Revenue Service, state and local agencies, and courts throughout the state to receive timely child support payments and also works with families and partners to:<sup>7</sup>

- Locate parents, employers, and assets;
- Establish paternity;
- Establish and modify child support orders;
- Receive and distribute child support payments;
- Monitor and take action to help parents comply with child support orders; and
- Educate and assist parents and the public.

Child support services are available even if a parent lives in another state or country. To receive services from the Child Support Program (which are provided at no cost to parents), families either complete an application for services or are automatically referred by the Department of Children and Families because a parent is receiving cash or food assistance. A court order is not required to receive services.

---

<sup>1</sup> 42 U.S.C. ss. 651, et. seq.

<sup>2</sup> Id.

<sup>3</sup> U.S. Department of Health & Human Services, Office of Child Support Enforcement (OCSE), An Office of the Administration for Children & Families, About the Office of Child Support Enforcement, <https://www.acf.hhs.gov/css/about> (last visited February 25, 2023).

<sup>4</sup> S. 409.2557(1), F.S.

<sup>5</sup> S. 61.13, F.S.

<sup>6</sup> Florida Department of Revenue (DOR), About the Child Support Program, at [https://floridarevenue.com/childsupport/about\\_us/Pages/about\\_us.aspx](https://floridarevenue.com/childsupport/about_us/Pages/about_us.aspx) (last visited February 25, 2023). Also see DOR, Child Support Program Overview 2022, at [https://floridarevenue.com/childsupport/Documents/pdf/CS-1003x\\_CSP\\_Overview\\_Presentation\\_External\\_2022\\_FFY\\_2020-21.pdf](https://floridarevenue.com/childsupport/Documents/pdf/CS-1003x_CSP_Overview_Presentation_External_2022_FFY_2020-21.pdf) (last visited February 25, 2023).

<sup>7</sup> Id.

DOR offers child support services in all but two Florida counties, partnering with the State Attorney's Office for services in Miami-Dade County and the Manatee County Clerk of Court for services in Manatee County.<sup>8</sup>

### *Non-Title IV-D Cases*

Non-Title IV-D cases are private cases where child support is established and maintained privately. In such cases neither parent receives public assistance or has applied for DOR's services. In private child support cases, a parent is court ordered to make periodic payments directly to the other parent. If payment is made by an income deduction order, payments are remitted by the employer to the State Disbursement Unit and disbursed to the payee named in the order.<sup>9</sup> Non-Title IV-D child support cases are not handled by DOR.

### Child Support Payment Accounts

#### *Child Support Depository*

A child support depository is a central governmental depository that maintains child support accounts. Specifically, the depository performs depository functions to receive, record, report, disburse, monitor, and otherwise handle child support and alimony payments required to be processed by the State Disbursement Unit (SDU).<sup>10</sup> The SDU is required by federal law to collect and disburse child support payments ordered by the court.<sup>11</sup> Pursuant to Title IV-D of the Social Security Act, the SDU provides one central address for the collection and disbursement of child support payments in cases enforced by DOR.<sup>12</sup>

Each clerk of the circuit court operates a child support depository.<sup>13</sup> Pursuant to s. 61.1826(2), F.S., DOR and each clerk depository must enter into a standard, uniform cooperative agreement mutually developed by DOR and the Florida Association of Court Clerks (FACC) to provide federal reimbursement to the clerks for work performed in support of the state's child support program. DOR is required to contract with FACC and the depositories for the operation and maintenance of the Clerk of Court Child Support Collection (CLERC) System, which includes electronic data transmissions to DOR and the SDU.<sup>14</sup> The CLERC system is an application owned and operated by FACC that clerks use to establish and manage child support payment accounts.<sup>15</sup> The system supports the daily operation of the SDU by transmitting data to and from the clerks to DOR's automated system and the SDU through FACC's Central Site.<sup>16</sup>

#### Depository Fees for Non-Title IV-D Cases

For eligible costs attributed to Title IV-D cases, which are handled by DOR, the clerk of court depositories receive federal matching funds under the cooperative agreements with the agency.<sup>17</sup> Federal funding for payment processing in non-Title IV-D cases is limited to income withholding payments received by the SDU.

---

<sup>8</sup> Florida Department of Revenue (DOR), About the Child Support Program, at [https://floridarevenue.com/childsupport/about\\_us/Pages/about\\_us.aspx](https://floridarevenue.com/childsupport/about_us/Pages/about_us.aspx) (last visited February 25, 2023).

<sup>9</sup> See ss. 61.1301, and 61.1824(1)(b), F.S.

<sup>10</sup> S. 61.046(4), F.S.

<sup>11</sup> The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, (Pub. Law 104-193) requires each state to establish and operate a State Disbursement Unit. Noncompliance with federal law could result in a loss of federal funds for the state's child support enforcement program. Also see s. 61.1826, F.S.

<sup>12</sup> The Florida State Disbursement Unit was established pursuant s. 61.1824, F.S.

<sup>13</sup> S. 61.181(1)(a), F.S.

<sup>14</sup> Ss. 61.181(1)(b)1. and 61.1826(3), F.S.

<sup>15</sup> S. 61.046(2), F.S.

<sup>16</sup> DOR, *Agency Bill Analysis HB 1087 (2023)*, p. 3.

<sup>17</sup> S. 61.1826(2), F.S.

There are two types of depository fees assessed on non-Title IV-D child support payments:<sup>18</sup>

- For payments in private cases that are not required to be processed through the SDU but are processed by the depository (payments in non-Title IV-D cases not made by income deduction), the depository shall impose and collect a fee on each payment made for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments as required by the statute.
- For payments in private child support cases that are required to be processed through the SDU (payments in non-Title IV-D cases made by income deduction), the SDU must, on each payment received, collect a fee, and transmit to the depository in which the case is located 40 percent (40%) of the fee (or service charge) for the depository's administration, management and maintenance of the case.

The fee for both payment types is four percent (4%) of the support payment not to exceed \$5.25.<sup>19</sup> Part of this fee must be remitted monthly to DOR for deposit into the Child Support Enforcement Collection System Trust Fund (Trust Fund)<sup>20</sup> to be used for the CLERC System operated by FACC. The Trust Fund money must be used exclusively for the development, implementation and operation of the CLERC system used by the depositories.<sup>21</sup> DOR's obligation to fund CLERC and the automation of the depositories is limited to the state share of funds available in the Trust Fund. As required by statute, DOR contracts with FACC for data processing services necessary for the operation of the child support program and for the purpose of paying FACC the state's share of the Trust Fund balances for operation and maintenance of CLERC.<sup>22</sup>

#### Allocation of Depository Fees

Section 61.181, F.S., provides two different methods for calculating the allocation of the fee that is deposited into the Trust Fund. Section 61.181(2)(b)(1), F.S., provides that the CLERC's allocation of the fee is 75 percent (75%) of the additional one percent (1%) increase in the fee from three percent (3%) to four percent (4%). However, s. 61.181(2)(b)2, F.S., calculates the allocation as:

- For each support payment of less than \$33, 18.75 cents.
- For each support payment between \$33 and \$140, an amount equal to 18.75 percent of the fee charged.
- For each support payment in excess of \$140, 18.75 cents.

The two methods in statute for calculating the part of the fee that goes to the Trust Fund are inconsistent, and as a result, the clerks started using a hybrid of the two methods to calculate the CLERC's allocation. The current practice of using the hybrid method for collecting, retaining, distributing, accounting for, and reporting clerk fees in private cases on payments received directly by the depository and by the SDU has been in place for many years. This practice is also consistent with how the CLERC system is programmed and is reflected in DOR's current contract with FACC (Contract CC700) for services in support of the depositories and the SDU.<sup>23</sup>

#### *Delinquent Child Support Payments*

Under current law, the driver license and motor vehicle registration of a child support obligor who is 15 days delinquent in making legally ordered child support payments may be suspended.<sup>24</sup> DOR is authorized to initiate driver license suspension for nonpayment of child support for cases in which the

---

<sup>18</sup> S. 61.181(2)(a), F.S.

<sup>19</sup> S. 61.181(2)(b)(1), F.S.

<sup>20</sup> S. 61.1811, F.S. The Child Support Enforcement Collection Trust Fund was created to be used to deposit DOR's share of the depository fees generated in s. 61.181(2)(b), F.S.

<sup>21</sup> S. 61.181(2)(b)1, F.S.

<sup>22</sup> Id.

<sup>23</sup> DOR, *Agency Bill Analysis HB 1087 (2023)*, p. 3.

<sup>24</sup> S. 61.13016, F.S.

department is providing child support services. To initiate the suspension of a driver license for nonpayment of child support, DOR must provide notice to the obligor. However, an obligor may avoid the license and registration suspension if, within 20 days of the notice, the obligor:

- Pays the delinquency;
- Contacts DOR to work out a payment agreement if the obligor is unable to pay the delinquency in full; or
- Files a petition contesting the action in circuit court.<sup>25</sup>

If a license is suspended for nonpayment, it can be reinstated when the obligor pays the delinquency, enters into a payment agreement, or obtains a court order for reinstatement.<sup>26</sup>

### Incarceration Treated as Voluntary Unemployment

Federal Title IV-D regulations require that state child support guidelines must provide that incarceration may not be treated as voluntary unemployment when establishing or modifying support orders.<sup>27</sup>

Current state law prohibits treating incarceration as voluntary unemployment when a support order is established or modified, except when incarceration is for intentional nonpayment of child support or an offense against a child or person who is owed child support.<sup>28</sup> However, the court may deviate from the child support guideline amount as specified in statute.<sup>29</sup> Previous federal rulemaking proposed to allow states to exclude such cases. However, this proposed rule was withdrawn by the federal Office of Child Support Enforcement (OCSE) in November 2021.<sup>30</sup>

The OCSE objects to Florida's inclusion of exceptions to the federal rule and has informed DOR that it will not approve Florida's Title IV-D State Plan for compliance with federal child support guidelines requirements unless the exceptions are removed from Florida law.<sup>31</sup> Without an approved Title IV-D State Plan, the state is ineligible to receive federal Title IV-D matching funds and performance-based federal incentive payments. The Child Support Program's State Fiscal Year 2022-23 appropriations for these funds are \$174.6 million and \$42.2 million, respectively. Not having an approved Title IV-D State Plan also results in a penalty to the Title IV-A TANF (Temporary Assistance for Needy Families) Grant. For the first year of noncompliance, the penalty is 1-2% of TANF funds; for the second year, the penalty is 2-3% of TANF funds and for the third and subsequent years, the penalty is 3-5% of the amounts otherwise payable to the state. Florida's TANF Grant is \$560.5 million.<sup>32</sup>

As a condition of the state's Title IV-D State Plan and continued receipt of federal Title IV-D matching funds, the state must comply with federal Title IV-D regulations.<sup>33</sup> The "Federal Compliance Date" for Florida to comply with 45 CFR 302.56(c)(3) is on or about June 30, 2023.<sup>34</sup>

### Administrative Proceeding Determining Paternity

In Florida, a "paternity proceeding" is a DOR-commenced administrative action to order genetic testing and establish paternity.<sup>35</sup> If the genetic testing results indicate a statistical probability of paternity that equals or exceeds 99 percent, DOR may issue an order of paternity. The order of paternity must state proposed findings of fact and conclusions of law, include a copy of the results of genetic testing, and

---

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> 45 CFR 302.56(c)(3).

<sup>28</sup> S. 61.30, F.S.

<sup>29</sup> Id. See also s. 61.30(1)(a), F.S.

<sup>30</sup> 86 FR 62502.

<sup>31</sup> DOR, *Agency Bill Analysis HB 1087 (2023)*, p. 4.

<sup>32</sup> Id.

<sup>33</sup> See 42 USC 655(a)(1)(A) and 45 CFR 302.56(a).

<sup>34</sup> DOR, *Agency Bill Analysis HB 1087 (2023)*, p. 5.

<sup>35</sup> S. 409.256(1)(f), F.S.

include notice of the respondent's right to informal review and to contest the proposed order of paternity at an administrative hearing.<sup>36</sup> If a hearing is held to establish paternity, the Division of Administrative Hearings (DOAH) issues a final order that adjudicates paternity and transmits any such order to the DOR for filing and rendering.<sup>37</sup>

A “paternity and child support proceeding” is a DOR-commenced administrative action to order genetic testing, establish paternity, and establish an administrative support order.<sup>38</sup> When a hearing is held to establish paternity and child support, DOAH issues a final order that adjudicates paternity or, if appropriate, paternity and child support.<sup>39</sup> DOAH must then transmit any such order to DOR for filing and rendering.<sup>40</sup>

DOR may commence a paternity proceeding or paternity and child support proceeding if:<sup>41</sup>

- The child’s paternity has not been established.
- No one is named as the father on the child’s birth certificate or the person named as the father is the putative father named in an affidavit or a written declaration.
- The child’s mother was unmarried when the child was conceived and born.
- The department is providing services under Title IV-D.
- The child’s mother or a putative father has stated in an affidavit, or in a written declaration, under penalty of perjury that the putative father is or may be the child’s biological father. The affidavit or written declaration must set forth the factual basis for the allegation of paternity.

#### *Affidavit or Written Declaration of Paternity*

Typically, when the child resides with the mother or putative father, DOR is usually able to obtain an affidavit or written declaration of paternity that names the putative father or fathers. However, obtaining the necessary affidavit or written declaration is more difficult when the child resides with a nonparent caregiver. In such cases, the mother and putative father may be unavailable to provide a written declaration or unwilling to cooperate.<sup>42</sup>

The most common caregiver relationship is a grandmother caring for and receiving public assistance for the child. Without an affidavit or written declaration of paternity from the mother or putative father, the administrative process is not available, meaning DOR must proceed in circuit court to determine paternity and obtain a child support order. As of January 13, 2023, DOR was responsible for establishing paternity for a total of 48,075 children. Of that number, 45,059 children were living with a parent and 3,016 were living with a nonparent caregiver. In the nonparent caregiver cases, 2,632 of the children (87%) received some form of public assistance (cash assistance, food assistance, and/or Medicaid).<sup>43</sup>

Under Rule 12E-1.039(5)(a)3.b., F.A.C., DOR uses form “Paternity Statement by Non-Parent” (CS-PO102) to serve as the basis for a paternity action in circuit court when a paternity affidavit or written declaration is not available from the mother or putative father. Nonparent caregivers often have knowledge of the child’s paternity, especially grandparents and other close relatives [see Florida Department of Revenue *o/b/o D.H. v. Hannah*, 745 So. 2d 1055, 1057 (Fla. 3d DCA 1999)]. When making the statement, which is signed under penalty of perjury, the caregiver provides the factual basis for the allegation that the putative father named may be the father of the child in question. For example, the child’s mother may have told the caregiver who the father is, the putative father may have admitted

---

<sup>36</sup> S. 409.256(9), F.S.

<sup>37</sup> S. 409.256(11), F.S.

<sup>38</sup> S. 409.256(1)(e), F.S.

<sup>39</sup> S. 409.256(11), F.S.

<sup>40</sup> *Id.*

<sup>41</sup> S. 409.256(2)(a), F.S.

<sup>42</sup> DOR, *Agency Bill Analysis HB 1087*, p. 5.

<sup>43</sup> *Id.*

to the caregiver he is the father, or the mother and putative father may have lived together in the caregiver's home.<sup>44</sup>

### Administrative Establishment of Child Support Obligations

An administrative support order is a final order rendered by or on behalf of DOR that establishes or modifies the obligation of a parent to contribute to the support and maintenance of his or her child or children, which may include provisions for monetary support, retroactive support, health care, and other elements of support.

Under current law, DOR must file with the clerk of the circuit court a copy of an administrative support order. The depository of the county where the administrative support order is filed must:

- Act as the official recordkeeper for payments required under the administrative support order;
- Establish and maintain the necessary payment accounts;
- Upon a delinquency, initiate the judgment by operation of law procedure as provided by s. 61.14(6), F.S.; and
- Perform all other duties required of a depository with respect to a support order entered by a court of this state.

When a proceeding to establish an administrative support order is commenced, DOR must file a copy of the initial notice with the depository. The depository is then required to assign an account number and provide the account number to DOR within four business days after the initial notice is filed.

The depository's duties also include establishing and maintaining payment accounts for support orders in all cases for which DOR provides child support services, updating payment accounts based on daily collection files provided by DOR, recording tax refund offsets and other one-time payments provided by DOR, and payments received directly by the clerk.

#### *Support Payments from Out-of-State Obligors*

For cases in which the child support obligor lives or works in another state, the clerk may not credit the obligor's account for collections received by another state without a Florida court order approving the credit. However, since a Florida administrative support order is not a court order, a circuit court case is typically not available in which a motion for credit can be filed with the court. In some cases in which payments are being made to another state, DOR also receives support payments from federal offsets and other one-time collections. DOR reports these collections to the depository and the clerk credits the payments to the obligor's account. However, the absence of a complete accounting of payments at the depository gives the appearance that payments were not made. This can result in misunderstandings by the parties, the clerk, and DOR, which may result in inappropriate enforcement or collection actions, including judgments by operation of law initiated by the depository under s. 61.14(6), F.S.

### **Effect of the Bill**

#### **Child Support Administration**

##### Depository and Processing Fees

The bill amends the term "depository" to remove obsolete references and to specify that a depository is established by the clerk of the circuit court in each county.

#### *Depository Fees for Non-Title IV-D Cases*

---

<sup>44</sup> Id.

The bill amends s. 61.181, F.S., regarding the processing of fees for non-Title IV-D cases. The bill requires each depository to impose and collect fees for payments for all non-Title IV-D cases that are required to be processed by the SDU. The bill also removes the requirement for the SDU to collect and transmit fees for non-Title IV-D payments to the depository.

For payments processed through the SDU, the bill requires the clerk of the court to retain 40 percent of the fee for the depository's administration, management, and maintenance of the case. After retaining 40 percent of the fee and paying the amount due to the CLERC Trust Fund, the clerk of court must transmit the balance of the fee to DOR for handling as program income under s. 61.1814(2), F.S.

For payments not processed through the SDU, the bill requires the clerk of court to retain the clerk's share of the fee for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments.

The bill also prohibits depository fees from being imposed on payments for Title IV-D cases.

#### *Allocation of Depository Fees*

The bill establishes the method for calculating the fee allocation that is deposited into the CLERC Trust Fund, for the operation and maintenance of the CLERC system and removes the current language requiring two incompatible methods for calculating the allocation of the fee.<sup>45</sup>

#### *Remittance of Depository Fees to DOR*

The bill requires moneys remitted to DOR by the depository be remitted at least monthly through the Clerk of the Court Revenue Remittance System operated under s. 28.245, F.S.

#### *Reporting Requirements*

The bill removes the requirement for the depository to provide the Title IV-D agency with a monthly report of IV-D payment accounts. The bill also removes a provision requiring the depository to provide the IV-D agency with the date provided by the payor of income (e.g., employer) as required by s. 61.1301, F.S., if the depository fees (under s. 61.181(2)(b), F.S.) increase, expire, or are otherwise terminated.

The bill updates cross-references to s. 61.181, F.S., re-organizes material in current law to improve logical flow, and deletes obsolete references.

#### Delinquent Child Support Payments

The bill expands the reasons the obligor may enter into a payment agreement with a deferred start date and avoid suspension of the obligor's driver license and registration to include when the obligor is participating in good faith in job training. Assisting obligors in this manner is consistent with the Responsible Fatherhood Initiative established in HB 7065 (2022) which provides for grants to organizations that assist parents who are unemployed or underemployed and have difficulty meeting child support obligations.<sup>46</sup>

#### Incarceration Treated as Voluntary Unemployment

---

<sup>45</sup> The proposed changes to the calculation of the fees will not increase the net fee collection or individual fee amounts. The method proposed in the bill for calculating the CLERC allocation is a hybrid methodology that combines the two different formulas that are currently in statute. This hybrid method used by the CLERC has been in effect for many years and differs only slightly from the formulas in current statute. See DOR, *Agency Bill Analysis HB 1087 (2023)*, p. 4.

<sup>46</sup> See Chapter 2022-67, ss. 8, 9, 12-14, L.O.F.



The bill removes exceptions prohibiting treating incarceration as voluntary unemployment in establishing or modifying a support order when determining the support amount under the child support guidelines. Removing these exceptions will not affect the court's authority to deviate from the guideline amount as provided by s. 61.30(1)(a), F.S., if the court makes written findings in its order explaining why ordering payment of the guideline amount would be unjust or inappropriate.

Federal Title IV-D regulations require state child support guidelines to provide that incarceration may not be treated as voluntary unemployment when establishing or modifying support orders.<sup>47</sup> Removing the exceptions will align Florida with the federal requirements and help to ensure that the state remains eligible to receive federal Title IV-D funding and avoid potential penalties to the Title IV-A TANF Grant for non-compliance.

The bill makes these provisions effective upon becoming law.

#### Administrative Proceeding Determining Paternity

The bill authorizes DOR to commence an administrative proceeding, instead of the agency having to initiate a circuit court proceeding, to determine paternity or paternity and child support based on an affidavit or written declaration completed by a nonparent caregiver of the child who has knowledge of the child's paternity.

#### Child Support Payments from Out-of-State Obligor

If DOR receives a payment record from a Title IV-D agency or a court outside the state of Florida, and the payment record shows the obligor made a payment in that state pursuant to an administrative support order rendered by DOR, the bill requires the DOR to file the payment record with the appropriate clerk of the court. The clerk shall review the payment record, update the clerk's payment accounts, and apply a credit for payments made to the other state for which the clerk has not previously provided credit. If the payment record from the other state indicates the obligor has made payments that are not reflected in the clerk's payment accounts, the clerk must credit the account in the amount of the payment made to the other state. Any party to the administrative proceeding may dispute the application of credit in a subsequent proceeding concerning payment under the administrative support order.

The bill provides an effective date of July 1, 2023, except for the provisions related to incarceration, which are effective upon becoming law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

---

<sup>47</sup> 45 CFR 302.56(c)(3).

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill has no fiscal impact on state or local government revenues or expenditures. Federal Title IV-D regulations prohibit state child support guidelines from treating incarceration as voluntary unemployment when establishing or modifying support orders. The provisions in the bill removing the state's exceptions to this federal prohibition will ensure that Florida's Title IV-D state plan complies with federal child support guidelines and that Florida remains eligible to receive federal Title IV-D matching funds and performance-based federal incentive payments. Compliance with the federal child support guidelines will also prevent financial penalties, for non-compliance, to the state's Title IV-A TANF Grant.