



424832

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1/F/2R

.

03/30/2023 04:12 PM

.

.

Senator Polsky moved the following:

Senate Amendment (with title amendment)

Before line 46

insert:

Section 1. Subsection (1) of section 61.13, Florida Statutes, is amended to read:

61.13 Support of children; parenting and time-sharing; powers of court.—

(1) (a) In a proceeding under this chapter, the court may at any time order either or both parents who owe a duty of support to a child to pay support to the other parent or, in the case of



424832

12 both parents, to a third party who has custody in accordance
13 with the child support guidelines schedule in s. 61.30. Child
14 support payments may be ordered under this section for an unborn
15 child beginning at conception. If the paternity of the obligor
16 is disputed, the court must await the outcome of the paternity
17 proceeding before ordering child support payments and must award
18 child support retroactive to the date of conception.

19 1. All child support orders and income deduction orders
20 entered on or after October 1, 2010, must provide:

21 a. For child support to terminate on a child's 18th
22 birthday unless the court finds or previously found that s.
23 743.07(2) applies, or is otherwise agreed to by the parties;

24 b. A schedule, based on the record existing at the time of
25 the order, stating the amount of the monthly child support
26 obligation for all the minor children at the time of the order
27 and the amount of child support that will be owed for any
28 remaining children after one or more of the children are no
29 longer entitled to receive child support; and

30 c. The month, day, and year that the reduction or
31 termination of child support becomes effective.

32 2. The court initially entering an order requiring one or
33 both parents to make child support payments has continuing
34 jurisdiction after the entry of the initial order to modify the
35 amount and terms and conditions of the child support payments if
36 the modification is found by the court to be in the best
37 interests of the child; when the child reaches majority; if
38 there is a substantial change in the circumstances of the
39 parties; if s. 743.07(2) applies; or when a child is
40 emancipated, marries, joins the armed services, or dies. For



424832

41 child support orders involving unborn children, the court shall
42 review and shall, if appropriate, modify the amount and terms
43 and conditions of child support payments when the child is born.
44 The court initially entering a child support order has
45 continuing jurisdiction to require the obligee to report to the
46 court on terms prescribed by the court regarding the disposition
47 of the child support payments.

48 (b) Each order for support must provide ~~shall contain a~~
49 ~~provision~~ for health insurance for the minor child when health
50 insurance is reasonable in cost and accessible to the child. For
51 child support orders involving unborn children, the order must
52 provide for health insurance coverage for the pregnant woman for
53 at least the duration of the pregnancy and for any related
54 postpartum care needed immediately after the child is born.
55 Health insurance is presumed to be reasonable in cost if the
56 incremental cost of adding health insurance for the child or
57 children does not exceed 5 percent of the gross income, as
58 defined in s. 61.30, of the parent responsible for providing
59 health insurance. Health insurance is accessible to the child if
60 the health insurance is available to be used in the county of
61 the child's primary residence or in another county if the parent
62 who has the most time under the time-sharing plan agrees. If the
63 time-sharing plan provides for equal time-sharing, health
64 insurance is accessible to the child if the health insurance is
65 available to be used in either county where the child resides or
66 in another county if both parents agree. The court may require
67 the obligor to provide health insurance or to reimburse the
68 obligee for the cost of health insurance for the minor child
69 when insurance is provided by the obligee. The presumption of



424832

70 reasonable cost may be rebutted by evidence of any of the
71 factors in s. 61.30(11)(a). The court may deviate from what is
72 presumed reasonable in cost only upon a written finding
73 explaining its determination why ordering or not ordering the
74 provision of health insurance or the reimbursement of the
75 obligee's cost for providing health insurance for the minor
76 child would be unjust or inappropriate. In any event, the court
77 shall apportion the cost of health insurance, and any noncovered
78 medical, dental, and prescription medication expenses of the
79 child, to both parties by adding the cost to the basic
80 obligation determined pursuant to s. 61.30(6). The court may
81 order that payment of noncovered medical, dental, and
82 prescription medication expenses of the minor child be made
83 directly to the obligee on a percentage basis. In a proceeding
84 for medical support only, each parent's share of the child's
85 noncovered medical expenses shall equal the parent's percentage
86 share of the combined net income of the parents. The percentage
87 share shall be calculated by dividing each parent's net monthly
88 income by the combined monthly net income of both parents. Net
89 income is calculated as specified by s. 61.30(3) and (4).

90 1. In a non-Title IV-D case, a copy of the court order for
91 health insurance shall be served on the obligor's union or
92 employer by the obligee when the following conditions are met:

93 a. The obligor fails to provide written proof to the
94 obligee within 30 days after receiving effective notice of the
95 court order that the health insurance has been obtained or that
96 application for health insurance has been made;

97 b. The obligee serves written notice of intent to enforce
98 an order for health insurance on the obligor by mail at the



424832

99 obligor's last known address; and

100 c. The obligor fails within 15 days after the mailing of
101 the notice to provide written proof to the obligee that the
102 health insurance existed as of the date of mailing.

103 2.a. A support order enforced under Title IV-D of the
104 Social Security Act which requires that the obligor provide
105 health insurance is enforceable by the department through the
106 use of the national medical support notice, and an amendment to
107 the support order is not required. The department shall transfer
108 the national medical support notice to the obligor's union or
109 employer. The department shall notify the obligor in writing
110 that the notice has been sent to the obligor's union or
111 employer, and the written notification must include the
112 obligor's rights and duties under the national medical support
113 notice. The obligor may contest the withholding required by the
114 national medical support notice based on a mistake of fact. To
115 contest the withholding, the obligor must file a written notice
116 of contest with the department within 15 business days after the
117 date the obligor receives written notification of the national
118 medical support notice from the department. Filing with the
119 department is complete when the notice is received by the person
120 designated by the department in the written notification. The
121 notice of contest must be in the form prescribed by the
122 department. Upon the timely filing of a notice of contest, the
123 department shall, within 5 business days, schedule an informal
124 conference with the obligor to discuss the obligor's factual
125 dispute. If the informal conference resolves the dispute to the
126 obligor's satisfaction or if the obligor fails to attend the
127 informal conference, the notice of contest is deemed withdrawn.



424832

128 If the informal conference does not resolve the dispute, the
129 obligor may request an administrative hearing under chapter 120
130 within 5 business days after the termination of the informal
131 conference, in a form and manner prescribed by the department.
132 However, the filing of a notice of contest by the obligor does
133 not delay the withholding of premium payments by the union,
134 employer, or health plan administrator. The union, employer, or
135 health plan administrator must implement the withholding as
136 directed by the national medical support notice unless notified
137 by the department that the national medical support notice is
138 terminated.

139 b. In a Title IV-D case, the department shall notify an
140 obligor's union or employer if the obligation to provide health
141 insurance through that union or employer is terminated.

142 3. In a non-Title IV-D case, upon receipt of the order
143 pursuant to subparagraph 1., or upon application of the obligor
144 pursuant to the order, the union or employer shall enroll the
145 minor child as a beneficiary in the group health plan regardless
146 of any restrictions on the enrollment period and withhold any
147 required premium from the obligor's income. If more than one
148 plan is offered by the union or employer, the child shall be
149 enrolled in the group health plan in which the obligor is
150 enrolled.

151 4.a. Upon receipt of the national medical support notice
152 under subparagraph 2. in a Title IV-D case, the union or
153 employer shall transfer the notice to the appropriate group
154 health plan administrator within 20 business days after the date
155 on the notice. The plan administrator must enroll the child as a
156 beneficiary in the group health plan regardless of any



424832

157 restrictions on the enrollment period, and the union or employer
158 must withhold any required premium from the obligor's income
159 upon notification by the plan administrator that the child is
160 enrolled. The child shall be enrolled in the group health plan
161 in which the obligor is enrolled. If the group health plan in
162 which the obligor is enrolled is not available where the child
163 resides or if the obligor is not enrolled in group coverage, the
164 child shall be enrolled in the lowest cost group health plan
165 that is accessible to the child.

166 b. If health insurance or the obligor's employment is
167 terminated in a Title IV-D case, the union or employer that is
168 withholding premiums for health insurance under a national
169 medical support notice must notify the department within 20 days
170 after the termination and provide the obligor's last known
171 address and the name and address of the obligor's new employer,
172 if known.

173 5.a. The amount withheld by a union or employer in
174 compliance with a support order may not exceed the amount
175 allowed under s. 303(b) of the Consumer Credit Protection Act,
176 15 U.S.C. s. 1673(b), as amended. The union or employer shall
177 withhold the maximum allowed by the Consumer Credit Protection
178 Act in the following order:

- 179 (I) Current support, as ordered.
180 (II) Premium payments for health insurance, as ordered.
181 (III) Past due support, as ordered.
182 (IV) Other medical support or insurance, as ordered.

183 b. If the combined amount to be withheld for current
184 support plus the premium payment for health insurance exceed the
185 amount allowed under the Consumer Credit Protection Act, and the



424832

186 health insurance cannot be obtained unless the full amount of
187 the premium is paid, the union or employer may not withhold the
188 premium payment. However, the union or employer shall withhold
189 the maximum allowed in the following order:

190 (I) Current support, as ordered.

191 (II) Past due support, as ordered.

192 (III) Other medical support or insurance, as ordered.

193 6. An employer, union, or plan administrator who does not
194 comply with the requirements in sub-subparagraph 4.a. is subject
195 to a civil penalty not to exceed \$250 for the first violation
196 and \$500 for subsequent violations, plus attorney's fees and
197 costs. The department may file a petition in circuit court to
198 enforce the requirements of this subparagraph.

199 7. The department may adopt rules to administer the child
200 support enforcement provisions of this section that affect Title
201 IV-D cases.

202 (c) To the extent necessary to protect an award of child
203 support, the court may order the obligor to purchase or maintain
204 a life insurance policy or a bond, or to otherwise secure the
205 child support award with any other assets which may be suitable
206 for that purpose.

207 (d)1. All child support orders must ~~shall~~ provide the full
208 name and date of birth of each minor child who is the subject of
209 the child support order. For child support orders involving
210 unborn children, the order must specify that the order is for
211 the benefit of an unborn child and include the name of the
212 pregnant woman carrying the unborn child.

213 2. If both parties request and the court finds that it is
214 in the best interest of the child, support payments need not be



215 subject to immediate income deduction. Support orders that are
216 not subject to immediate income deduction may be directed
217 through the depository under s. 61.181 or made payable directly
218 to the obligee. Payments made by immediate income deduction
219 shall be made to the State Disbursement Unit. The court shall
220 provide a copy of the order to the depository.

221 3. For support orders payable directly to the obligee, any
222 party may subsequently file an affidavit with the depository
223 alleging a default in payment of child support and stating that
224 the party wishes to require that payments be made through the
225 depository. The party shall provide copies of the affidavit to
226 the court and to each other party. Fifteen days after receipt of
227 the affidavit, the depository shall notify all parties that
228 future payments shall be paid through the depository, except
229 that payments in Title IV-D cases and income deduction payments
230 shall be made to the State Disbursement Unit. In Title IV-D
231 cases, an affidavit of default or a default in payments is not
232 required to receive depository services. Upon notice by the
233 department that it is providing Title IV-D services in a case
234 with an existing support order, the depository shall transmit
235 case data through, and set up appropriate payment accounts in,
236 regardless of whether there is a delinquency, the Clerk of the
237 Court Child Support Enforcement Collection System as required
238 under s. 61.181(2)(b).

239
240 ===== T I T L E A M E N D M E N T =====

241 And the title is amended as follows:

242 Between lines 2 and 3

243 insert:



424832

244 amending s. 61.13, F.S.; providing that a court may
245 order child support payments for unborn children
246 beginning at conception; requiring the court to await
247 the outcome of paternity proceedings in disputed
248 paternity cases before ordering child support
249 payments; providing for retroactive child support
250 payments under certain circumstances; requiring the
251 court to review and, if appropriate, modify child
252 support orders involving unborn children when the
253 child is born; requiring that child support orders
254 involving unborn children include health insurance
255 coverage for the pregnant woman for a specified time;
256 requiring that child support orders involving unborn
257 children include specified information;