



176882

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2023	.	
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The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

**Senate Amendment**

Delete lines 268 - 343

and insert:

Section 5. Effective upon becoming law, paragraph (c) of subsection (2) of section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines; retroactive child support.—

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



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11           (c) ~~Except for incarceration for willful nonpayment of~~  
12 ~~child support or for an offense against a child or person who is~~  
13 ~~owed child support,~~ Incarceration may not be treated as  
14 voluntary unemployment in establishing or modifying a support  
15 order. However, the court may deviate from the child support  
16 guideline amount as provided in paragraph (1) (a).

17           Section 6. Paragraph (a) of subsection (2) of section  
18 409.256, Florida Statutes, is amended to read:

19           409.256 Administrative proceeding to establish paternity or  
20 paternity and child support; order to appear for genetic  
21 testing.—

22           (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO  
23 THE COURTS.—

24           (a) The department may commence a paternity proceeding or a  
25 paternity and child support proceeding as provided in subsection  
26 (4) if:

27           1. The child's paternity has not been established.

28           2. No one is named as the father on the child's birth  
29 certificate or the person named as the father is the putative  
30 father named in an affidavit or a written declaration as  
31 provided in subparagraph 5.

32           3. The child's mother was unmarried when the child was  
33 conceived and born.

34           4. The department is providing services under Title IV-D of  
35 the Social Security Act.

36           5. The child's mother, caregiver, or a putative father has  
37 stated in an affidavit, or in a written declaration as provided  
38 in s. 92.525(2), that the putative father is or may be the  
39 child's biological father. The affidavit or written declaration



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40 must set forth the factual basis for the allegation of paternity  
41 as provided in s. 742.12(2).

42 Section 7. Subsection (8) of section 409.2563, Florida  
43 Statutes, is amended to read:

44 409.2563 Administrative establishment of child support  
45 obligations.—

46 (8) FILING WITH THE CLERK OF THE CIRCUIT COURT; OFFICIAL  
47 PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.—The department  
48 shall file with the clerk of the circuit court a copy of an  
49 administrative support order rendered under this section. The  
50 depository operated pursuant to s. 61.181 for the county where  
51 the administrative support order has been filed shall:

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

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

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

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

59

60 When a proceeding to establish an administrative support order  
61 is commenced under subsection (4), the department shall file a  
62 copy of the initial notice with the depository. The depository  
63 shall assign an account number and provide the account number to  
64 the department within 4 business days after the initial notice  
65 is filed. When the department receives a payment record from a  
66 IV-D agency or a court in another state, as the term "state" is  
67 defined by s. 88.1011, and the payment record shows the obligor  
68 made a payment in that state pursuant to an administrative



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69 support order rendered by the department, the department shall  
70 file the payment record with the clerk of the court depository,  
71 requesting the clerk to review the record and update the clerk's  
72 payment accounts, applying credit for payments made to the other  
73 state for which the clerk has not previously provided credit. If  
74 the payment record from the other state indicates the obligor  
75 has made payments that are not reflected in the clerk's payment  
76 accounts, the clerk must credit the account in the amount of the  
77 payment made to the other state. A party to the administrative  
78 proceeding may dispute the application of credit in a subsequent  
79 proceeding concerning payment under the administrative support  
80 order.

81       Section 8. Except as otherwise expressly provided in this  
82 act, this act shall take effect July 1, 2023.