

By the Committee on Children and Families; and Senator Lynn

300-1982-04

1                                   A bill to be entitled  
2           An act relating to child support; amending s.  
3           61.046, F.S.; redefining the term "support  
4           order" for purposes of ch. 61, F.S., to include  
5           an order of an administrative agency; amending  
6           s. 61.13, F.S.; deleting the requirement that a  
7           child support order include the minor's social  
8           security number; amending s. 61.1301, F.S.;  
9           providing for continuation of a support  
10          obligation at the same amount after  
11          emancipation until any arrearage is satisfied;  
12          providing for application to support orders or  
13          income or income deduction orders entered  
14          before, on, or after July 1, 2004; requiring an  
15          obligor contesting an income deduction order  
16          rendered by the Title IV-D agency to file the  
17          petition with the Title IV-D agency; amending  
18          s. 61.14, F.S.; providing for the termination  
19          of the current child support obligation when  
20          the child emancipates unless certain conditions  
21          occur; providing for continuation of a support  
22          obligation at the same amount after  
23          emancipation until any arrearage is satisfied;  
24          providing for application to support orders  
25          entered before, on, or after July 1, 2004;  
26          amending s. 61.181, F.S.; requiring the clerk  
27          of the court to establish an account for  
28          interstate cases; amending s. 61.1814, F.S.;  
29          providing for types of moneys to be deposited  
30          into the Child Support Enforcement Trust Fund;  
31          providing for the use of moneys deposited into

1 the Child Support Enforcement Trust Fund;  
2 amending s. 120.80, F.S.; providing for the  
3 location of an administrative hearing; amending  
4 ss. 382.013 and 382.016, F.S.; permitting  
5 voluntary acknowledgments of paternity which  
6 are witnessed; amending s. 409.2558, F.S.;  
7 providing for a notice to the noncustodial  
8 parent in applying an undistributable support  
9 collection to another support order; amending  
10 s. 409.2561, F.S.; providing for the Department  
11 of Revenue to establish the obligation of  
12 support; amending s. 409.2563, F.S.; providing  
13 for the noncustodial parent to request that the  
14 Department of Revenue proceed in circuit court  
15 to determine the support obligation; revising  
16 the requirements under which a noncustodial  
17 parent may petition the circuit court to  
18 determine the support obligation; providing  
19 that the Department of Revenue is a party to  
20 court action only with respect to issues of  
21 support; providing for the assignment of an  
22 account number with the depository upon  
23 initiating establishment of an administrative  
24 support order; amending s. 409.25656, F.S.;  
25 providing for the recovery of fees in  
26 liquidating securities for the support owed;  
27 creating s. 409.25659, F.S.; providing for  
28 insurance claim data exchange; providing  
29 definitions; specifying the duties of the  
30 insurer; providing for the payment of a fee to  
31 the insurer; providing immunity to the insurer;

1 limiting the department's disclosure of  
2 information obtained from insurers; providing  
3 rulemaking authority; creating s. 409.25662,  
4 F.S.; providing for withholding of pari-mutuel  
5 winnings for unpaid support; providing  
6 definitions; requiring pari-mutuel facilities  
7 to identify whether individuals with winnings  
8 owe unpaid child support; requiring pari-mutuel  
9 facilities to withhold the amount of the unpaid  
10 child support; providing for the right to  
11 contest the withholding through an  
12 administrative hearing; providing a pari-mutuel  
13 facility with immunity; providing that a  
14 pari-mutuel facility is liable for amounts not  
15 withheld or remitted; authorizing the  
16 department to adopt rules; amending s. 409.257,  
17 F.S.; permitting the use of any means of  
18 service of process under ch. 48, F.S.; amending  
19 s. 409.2572, F.S.; revising the definition of  
20 noncooperation or failure to cooperate as  
21 applied to an applicant for or a recipient of  
22 public assistance; substituting the use of DNA  
23 sample for drawing a blood sample to confirm  
24 paternity; amending s. 409.259, F.S.; revising  
25 the manner of reimbursement to the clerk of the  
26 court for court filings in Title IV-D cases;  
27 amending s. 409.2598, F.S.; providing  
28 definitions; providing for the suspension of  
29 licenses under specified circumstances;  
30 amending s. 742.10, F.S.; permitting voluntary  
31 acknowledgments of paternity which are

1           witnessed; providing legislative intent to  
2           address the child support issues of  
3           incarcerated noncustodial parents to improve  
4           their ability to meet child support  
5           obligations; requiring the Department of  
6           Revenue, with the assistance of the Department  
7           of Corrections, to identify inmates with child  
8           support obligations; requiring the Department  
9           of Corrections and Department of Revenue to  
10          jointly develop a plan to facilitate child  
11          support payment from incarcerated noncustodial  
12          parents upon release; providing for the minimum  
13          requirements of the plan; requires reports to  
14          the Governor and Legislature; providing  
15          effective dates.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Subsection (19) of section 61.046, Florida  
20 Statutes, is amended to read:

21           61.046 Definitions.--As used in this chapter:

22           (19) "Support order" means a judgment, decree, or  
23 order, whether temporary or final, issued by a court of  
24 competent jurisdiction or administrative agency for the  
25 support and maintenance of a child which provides for monetary  
26 support, health care, arrearages, or past support. When the  
27 child support obligation is being enforced by the Department  
28 of Revenue, the term "support order" also means a judgment,  
29 decree, or order, whether temporary or final, issued by a  
30 court of competent jurisdiction for the support and  
31 maintenance of a child and the spouse or former spouse of the

1 obligor with whom the child is living which provides for  
2 monetary support, health care, arrearages, or past support.

3 Section 2. Paragraph (d) of subsection (1) of section  
4 61.13, Florida Statutes, is amended to read:

5 61.13 Custody and support of children; visitation  
6 rights; power of court in making orders.--

7 (1)

8 (d)1. Unless the provisions of subparagraph 3. apply,  
9 all child support orders entered on or after January 1, 1985,  
10 shall direct that the payments of child support be made as  
11 provided in s. 61.181 through the depository in the county  
12 where the court is located. All child support orders shall  
13 provide the full name and, date of birth, ~~and social security~~  
14 ~~number~~ of each minor child who is the subject of the child  
15 support order.

16 2. Unless the provisions of subparagraph 3. apply, all  
17 child support orders entered before January 1, 1985, shall be  
18 modified by the court to direct that payments of child support  
19 shall be made through the depository in the county where the  
20 court is located upon the subsequent appearance of either or  
21 both parents to modify or enforce the order, or in any related  
22 proceeding.

23 3. If both parties request and the court finds that it  
24 is in the best interest of the child, support payments need  
25 not be directed through the depository. The order of support  
26 shall provide, or shall be deemed to provide, that either  
27 party may subsequently apply to the depository to require  
28 direction of the payments through the depository. The court  
29 shall provide a copy of the order to the depository.

30 4. If the parties elect not to require that support  
31 payments be made through the depository, any party may

1 subsequently file an affidavit with the depository alleging a  
2 default in payment of child support and stating that the party  
3 wishes to require that payments be made through the  
4 depository. The party shall provide copies of the affidavit to  
5 the court and to each other party. Fifteen days after receipt  
6 of the affidavit, the depository shall notify both parties  
7 that future payments shall be paid through the depository.

8 5. In IV-D cases, the IV-D agency shall have the same  
9 rights as the obligee in requesting that payments be made  
10 through the depository.

11 Section 3. Effective July 1, 2004, paragraphs (b) and  
12 (e) of subsection (1), paragraphs (e) and (f) of subsection  
13 (2) and subsection (3) of section 61.1301, Florida Statutes,  
14 are amended to read:

15 61.1301 Income deduction orders.--

16 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER  
17 ESTABLISHING, ENFORCING, OR MODIFYING AN OBLIGATION FOR  
18 ALIMONY OR CHILD SUPPORT.--

19 (b) The income deduction order shall:

20 1. Direct a payor to deduct from all income due and  
21 payable to an obligor the amount required by the court to meet  
22 the obligor's support obligation including any attorney's fees  
23 or costs owed and forward the deducted amount pursuant to the  
24 order.

25 2. State the amount of arrearage owed, if any, and  
26 direct a payor to withhold an additional 20 percent or more of  
27 the periodic amount specified in the order establishing,  
28 enforcing, or modifying the obligation, until full payment is  
29 made of any arrearage, attorney's fees and costs owed,  
30 provided no deduction shall be applied to attorney's fees and  
31 costs until the full amount of any arrearage is paid;

1           3. Direct a payor not to deduct in excess of the  
2 amounts allowed under s. 303(b) of the Consumer Credit  
3 Protection Act, 15 U.S.C. s. 1673(b), as amended;

4           4. Direct whether a payor shall deduct all, a  
5 specified portion, or no income which is paid in the form of a  
6 bonus or other similar one-time payment, up to the amount of  
7 arrearage reported in the income deduction notice or the  
8 remaining balance thereof, and forward the payment to the  
9 governmental depository. For purposes of this subparagraph,  
10 "bonus" means a payment in addition to an obligor's usual  
11 compensation and which is in addition to any amounts  
12 contracted for or otherwise legally due and shall not include  
13 any commission payments due an obligor;

14           5. In Title IV-D cases, direct a payor to provide to  
15 the court depository the date on which each deduction is made;  
16 and

17           6. In Title IV-D cases, if an obligation to pay  
18 current support is reduced or terminated due to emancipation  
19 of a child and the obligor owes an arrearage, retroactive  
20 support, delinquency, or costs, direct the payor to continue  
21 the income deduction at the rate in effect immediately prior  
22 to emancipation until all arrearages, retroactive support,  
23 delinquencies, and costs are paid in full or until the amount  
24 of withholding is modified; and

25           ~~7.6.~~ Direct that, at such time as the State  
26 Disbursement Unit becomes operational, all payments in those  
27 cases in which the obligee is receiving Title IV-D services  
28 and in those cases in which the obligee is not receiving Title  
29 IV-D services in which the initial support order was issued in  
30 this state on or after January 1, 1994, and in which the  
31 obligor's child support obligation is being paid through

1 income deduction, be made payable to and delivered to the  
2 State Disbursement Unit. Notwithstanding any other statutory  
3 provision to the contrary, funds received by the State  
4 Disbursement Unit shall be held, administered, and disbursed  
5 by the State Disbursement Unit pursuant to the provisions of  
6 this chapter.

7 (e) Statement of obligor's rights. When the court  
8 orders the income deduction to be effective immediately, the  
9 court shall furnish to the obligor a statement of his or her  
10 rights, remedies, and duties in regard to the income deduction  
11 order. The statement shall state:

12 1. All fees or interest which shall be imposed.

13 2. The total amount of income to be deducted for each  
14 pay period until the arrearage, if any, is paid in full and  
15 shall state the total amount of income to be deducted for each  
16 pay period thereafter. The amounts deducted may not be in  
17 excess of that allowed under s. 303(b) of the Consumer Credit  
18 Protection Act, 15 U.S.C. s. 1673(b), as amended.

19 3. That the income deduction order applies to current  
20 and subsequent payors and periods of employment.

21 4. That a copy of the income deduction order or, in  
22 Title IV-D cases, the income deduction notice will be served  
23 on the obligor's payor or payors.

24 5. That enforcement of the income deduction order may  
25 only be contested on the ground of mistake of fact regarding  
26 the amount owed pursuant to the order establishing, enforcing,  
27 or modifying the obligation, the arrearages, or the identity  
28 of the obligor, the payor, or the obligee.

29 6. That the obligor is required to notify the obligee  
30 and, when the obligee is receiving IV-D services, the IV-D  
31



1 agency within 7 days of changes in the obligor's address,  
2 payors, and the addresses of his or her payors.

3 7. That in a Title IV-D case, if an obligation to pay  
4 current support is reduced or terminated due to emancipation  
5 of a child and the obligor owes an arrearage, retroactive  
6 support, delinquency, or costs, income deduction continues at  
7 the rate in effect immediately prior to emancipation until all  
8 arrearages, retroactive support, delinquencies, and costs are  
9 paid in full or until the amount of withholding is modified.

10 (2) ENFORCEMENT OF INCOME DEDUCTION ORDERS.--

11 (e) Notice to payor and income deduction notice. The  
12 notice to payor or, in Title IV-D cases, income deduction  
13 notice shall contain only information necessary for the payor  
14 to comply with the order providing for income deduction. The  
15 notice shall:

16 1. Provide the obligor's social security number.

17 2. Require the payor to deduct from the obligor's  
18 income the amount specified in the income deduction order, and  
19 in the case of a delinquency the amount specified in the  
20 notice of delinquency, and to pay that amount to the obligee  
21 or to the depository, as appropriate. The amount actually  
22 deducted plus all administrative charges shall not be in  
23 excess of the amount allowed under s. 303(b) of the Consumer  
24 Credit Protection Act, 15 U.S.C. s. 1673(b);

25 3. Instruct the payor to implement income deduction no  
26 later than the first payment date which occurs more than 14  
27 days after the date the income deduction notice was served on  
28 the payor, and the payor shall conform the amount specified in  
29 the income deduction order or, in Title IV-D cases, income  
30 deduction notice to the obligor's pay cycle. The court should  
31

1 request at the time of the order that the payment cycle  
2 reflect that of the payor;

3 4. Instruct the payor to forward, within 2 days after  
4 each date the obligor is entitled to payment from the payor,  
5 to the obligee or to the depository the amount deducted from  
6 the obligor's income, a statement as to whether the amount  
7 totally or partially satisfies the periodic amount specified  
8 in the income deduction order or, in Title IV-D cases, income  
9 deduction notice, and the specific date each deduction is  
10 made. If the IV-D agency is enforcing the order, the payor  
11 shall make these notifications to the agency instead of the  
12 obligee;

13 5. Specify that if a payor fails to deduct the proper  
14 amount from the obligor's income, the payor is liable for the  
15 amount the payor should have deducted, plus costs, interest,  
16 and reasonable attorney's fees;

17 6. Provide that the payor may collect up to \$5 against  
18 the obligor's income to reimburse the payor for administrative  
19 costs for the first income deduction and up to \$2 for each  
20 deduction thereafter;

21 7. State that the notice to payor or, in Title IV-D  
22 cases, income deduction notice, and in the case of a  
23 delinquency the notice of delinquency, are binding on the  
24 payor until further notice by the obligee, IV-D agency, or the  
25 court or until the payor no longer provides income to the  
26 obligor;

27 8. Instruct the payor that, when he or she no longer  
28 provides income to the obligor, he or she shall notify the  
29 obligee and shall also provide the obligor's last known  
30 address and the name and address of the obligor's new payor,  
31 if known; and that, if the payor violates this provision, the

1 payor is subject to a civil penalty not to exceed \$250 for the  
2 first violation or \$500 for any subsequent violation. If the  
3 IV-D agency is enforcing the order, the payor shall make these  
4 notifications to the agency instead of to the obligee.

5 Penalties shall be paid to the obligee or the IV-D agency,  
6 whichever is enforcing the income deduction order;

7 9. State that the payor shall not discharge, refuse to  
8 employ, or take disciplinary action against an obligor because  
9 of the requirement for income deduction and shall state that a  
10 violation of this provision subjects the payor to a civil  
11 penalty not to exceed \$250 for the first violation or \$500 for  
12 any subsequent violation. Penalties shall be paid to the  
13 obligee or the IV-D agency, whichever is enforcing the income  
14 deduction, if any alimony or child support obligation is  
15 owing. If no alimony or child support obligation is owing, the  
16 penalty shall be paid to the obligor;

17 10. State that an obligor may bring a civil action in  
18 the courts of this state against a payor who refuses to  
19 employ, discharges, or otherwise disciplines an obligor  
20 because of income deduction. The obligor is entitled to  
21 reinstatement and all wages and benefits lost, plus reasonable  
22 attorney's fees and costs incurred;

23 11. Inform the payor that the requirement for income  
24 deduction has priority over all other legal processes under  
25 state law pertaining to the same income and that payment, as  
26 required by the notice to payor or income deduction notice, is  
27 a complete defense by the payor against any claims of the  
28 obligor or his or her creditors as to the sum paid;

29 12. Inform the payor that, when the payor receives  
30 notices to payor or income deduction notices requiring that  
31 the income of two or more obligors be deducted and sent to the

1 same depository, the payor may combine the amounts that are to  
2 be paid to the depository in a single payment as long as the  
3 payments attributable to each obligor are clearly identified;  
4 ~~and~~

5           13. Inform the payor that if the payor receives more  
6 than one notice to payor or income deduction notice against  
7 the same obligor, the payor shall contact the court or, in  
8 Title IV-D cases, the Title IV-D agency for further  
9 instructions. Upon being so contacted, the court or, in Title  
10 IV-D cases when all the cases upon which the notices are based  
11 are Title IV-D cases, the Title IV-D agency shall allocate  
12 amounts available for income deduction as provided in  
13 subsection (4); ~~and-~~

14           14. State that in a Title IV-D case, if an obligation  
15 to pay current support is reduced or terminated due to the  
16 emancipation of a child and the obligor owes an arrearage,  
17 retroactive support, delinquency, or costs, income deduction  
18 continues at the rate in effect immediately prior to  
19 emancipation until all arrearages, retroactive support,  
20 delinquencies, and costs are paid in full or until the amount  
21 of withholding is modified.

22           (f) At any time an income deduction order is being  
23 enforced, the obligor may apply to the court for a hearing to  
24 contest the continued enforcement of the income deduction on  
25 the same grounds set out in paragraph (c), with a copy to the  
26 obligee and, in IV-D cases, to the IV-D agency. If the income  
27 deduction order being enforced was rendered by the IV-D agency  
28 pursuant to s. 409.2563 and the obligor contests the  
29 withholding, the obligor shall file a petition for an  
30 administrative hearing with the IV-D agency.The application  
31 or petition does not affect the continued enforcement of the

1 income deduction until the court or IV-D agency, if  
2 applicable, enters an order granting relief to the obligor.  
3 The obligee or the IV-D agency is released from liability for  
4 improper receipt of moneys pursuant to an income deduction  
5 order upon return to the appropriate party of any moneys  
6 received.

7 (3)(a) It is the intent of the Legislature that this  
8 section may be used to collect arrearages in child support  
9 ~~payments or in alimony payments which have been accrued~~  
10 ~~against an obligor.~~

11 (b) In a Title IV-D case, if an obligation to pay  
12 current support is reduced or terminated due to the  
13 emancipation of a child and the obligor owes an arrearage,  
14 retroactive support, delinquency, or costs, income deduction  
15 continues at the rate in effect immediately prior to  
16 emancipation until all arrearages, retroactive support,  
17 delinquencies, and costs are paid in full or until the amount  
18 of withholding is modified. The department shall send notice  
19 of this requirement by regular mail to the payor. The  
20 department shall send by certified mail, return receipt  
21 requested, to the obligor at the most recent address provided  
22 by the obligor to the tribunal that issued the order, a notice  
23 of this requirement, that the obligor may contest the  
24 withholding as provided by paragraph (2)(f), and that the  
25 obligor may request the tribunal that issued the income  
26 deduction to modify the amount of the withholding. This  
27 paragraph provides an additional remedy for collection of  
28 unpaid support and applies to cases in which a support order  
29 or income deduction order was entered before, on, or after  
30 July 1, 2004.

31

1           Section 4. Subsections (9) and (10) are added to  
2 section 61.14, Florida Statutes, as amended by section 73 of  
3 chapter 2003-402, Laws of Florida, to read:

4           61.14 Enforcement and modification of support,  
5 maintenance, or alimony agreements or orders.--

6           (9) Unless otherwise ordered by the court or agreed to  
7 by the parties, the obligation to pay the current child  
8 support for that child is terminated when the child reaches 18  
9 years of age or the disability of nonage is removed. The  
10 termination of the current child support obligation does not  
11 otherwise terminate the obligation to pay any arrearage,  
12 retroactive support, delinquency, or costs owed by the  
13 obligor.

14           (10)(a) In a Title IV-D case, if an obligation to pay  
15 current child support is terminated due to the emancipation of  
16 the child and the obligor owes an arrearage, retroactive  
17 support, delinquency, or costs, the obligor shall continue to  
18 pay at the same rate in effect immediately prior to  
19 emancipation until all arrearages, retroactive support,  
20 delinquencies, and costs are paid in full or until the amount  
21 of the order is modified.

22           (b) In a Title IV-D case, if an obligation to pay  
23 current child support for multiple children is reduced due to  
24 the emancipation of one child and the obligor owes an  
25 arrearage, retroactive support, delinquency, or costs, the  
26 obligor shall continue to pay at the same rate in effect  
27 immediately prior to emancipation until all arrearages,  
28 retroactive support, delinquencies, and costs are paid in full  
29 or until the amount of the order is modified.

30           (c) Paragraphs (a) and (b) provide an additional  
31 remedy for collection of unpaid support and apply to cases in

1 which a support order was entered before, on, or after July 1,  
2 2004.

3 Section 5. Effective July 1, 2004, subsection (1) of  
4 section 61.181, Florida Statutes, is amended to read:

5 61.181 Depository for alimony transactions, support,  
6 maintenance, and support payments; fees.--

7 (1)(a) The office of the clerk of the court shall  
8 operate a depository unless the depository is otherwise  
9 created by special act of the Legislature or unless, prior to  
10 June 1, 1985, a different entity was established to perform  
11 such functions. The department shall, no later than July 1,  
12 1998, extend participation in the federal child support cost  
13 reimbursement program to the central depository in each  
14 county, to the maximum extent possible under existing federal  
15 law. The depository shall receive reimbursement for services  
16 provided under a cooperative agreement with the department  
17 pursuant to s. 61.1826. Each depository shall participate in  
18 the State Disbursement Unit and shall implement all statutory  
19 and contractual duties imposed on the State Disbursement Unit.  
20 Each depository shall receive from and transmit to the State  
21 Disbursement Unit required data through the Clerk of Court  
22 Child Support Enforcement Collection System. Payments on  
23 non-Title IV-D cases without income deduction orders shall not  
24 be sent to the State Disbursement Unit.

25 (b) Upon request by the department, the depository  
26 created pursuant to paragraph (a) shall establish an account  
27 for the receipt and disbursement of support payments for Title  
28 IV-D interstate cases. The department shall provide a copy of  
29 the other state's order with the request, and the depository  
30 shall advise the department of the account number in writing  
31 within 4 business days after receipt of the request.

1           Section 6. Section 61.1814, Florida Statutes, is  
2 amended to read:

3           61.1814 Child Support Enforcement Application and  
4 Program Revenue Trust Fund.--

5           (1) The Child Support Enforcement Application and  
6 Program Revenue Trust Fund is hereby created, to be  
7 administered by the Department of Revenue. The purpose of the  
8 trust fund is to account for Title IV-D program income and to  
9 support the activities of the child support enforcement  
10 program under Title IV-D of the Social Security Act. The  
11 department shall invest the money in the trust fund pursuant  
12 to ss. 215.44-215.52 and retain all interest earnings in the  
13 trust fund. Notwithstanding the provisions of s. 216.301, and  
14 pursuant to s. 216.351, any balance in the trust fund at the  
15 end of any fiscal year shall remain in the trust fund and  
16 shall be available for carrying out the purposes of the trust  
17 fund. In accordance with federal requirements, the federal  
18 share of program income shall be credited to the Federal  
19 Government.

20           (2) With the exception of fees required to be  
21 deposited in the Clerk of the Court Child Support Enforcement  
22 System Trust Fund under s. 61.181(2)(b) and collections  
23 determined to be undistributable or unidentifiable under s.  
24 409.2558, the fund shall be used for the deposit of Title IV-D  
25 program income received by the department. Each type of  
26 program income received shall be accounted for separately.  
27 Program income received by the department includes, but is not  
28 limited to:

29           (a) Application fees of nonpublic assistance  
30 applicants for child support enforcement services;

31



1           (b) Court ordered costs recovered from child support  
2 obligors;

3           (c) Interest on child support collections;

4           (d) The balance of fees received under s. 61.181(2)(a)  
5 on non-Title IV-D cases required to be processed through the  
6 State Disbursement Unit after the clerk's share is paid;and

7           (e) Fines imposed under ss. 409.2564(8) and 409.2578.  
8 ~~Moneys deposited from fines imposed under ss. 409.2564(8) and~~  
9 ~~409.2578 shall be maintained separately from moneys deposited~~  
10 ~~from application fees.~~

11           Section 7. Paragraph (c) of subsection (14) of section  
12 120.80, Florida Statutes, is amended to read:

13           120.80 Exceptions and special requirements;  
14 agencies.--

15           (14) DEPARTMENT OF REVENUE.--

16           (c) Proceedings for administrative support orders.--In  
17 proceedings for the establishment of administrative support  
18 orders pursuant to s. 409.2563, final orders in cases referred  
19 by the Department of Revenue to the Division of Administrative  
20 Hearings shall be entered by the division's administrative law  
21 judge and transmitted to the Department of Revenue for filing  
22 and rendering. The Department of Revenue has the right to seek  
23 judicial review under s. 120.68 of a final order entered by an  
24 administrative law judge. Administrative support orders  
25 rendered pursuant to s. 409.2563 may be enforced pursuant to  
26 s. 120.69 or, alternatively, by any method prescribed by law  
27 for the enforcement of judicial support orders, except  
28 contempt. Hearings held by the Division of Administrative  
29 Hearings pursuant to s. 409.2563 shall be held in the judicial  
30 circuit where the person receiving services under Title IV-D  
31 resides or, if the person receiving services under Title IV-D

1 does not reside in this state, in the judicial circuit where  
2 the respondent resides. If the department and the respondent  
3 agree, the hearing may be held in another location. If ordered  
4 by the administrative law judge, the hearing may be conducted  
5 telephonically or by videoconference.

6 Section 8. Effective July 1, 2004, paragraph (c) of  
7 subsection (2) of section 382.013, Florida Statutes, is  
8 amended to read:

9 382.013 Birth registration.--A certificate for each  
10 live birth that occurs in this state shall be filed within 5  
11 days after such birth with the local registrar of the district  
12 in which the birth occurred and shall be registered by the  
13 local registrar if the certificate has been completed and  
14 filed in accordance with this chapter and adopted rules. The  
15 information regarding registered births shall be used for  
16 comparison with information in the state case registry, as  
17 defined in chapter 61.

18 (2) PATERNITY.--

19 (c) If the mother is not married at the time of the  
20 birth, the name of the father may not be entered on the birth  
21 certificate without the execution of an affidavit signed by  
22 both the mother and the person to be named as the father. The  
23 facility shall give notice orally or through the use of video  
24 or audio equipment, and in writing, of the alternatives to,  
25 the legal consequences of, and the rights, including, if one  
26 parent is a minor, any rights afforded due to minority status,  
27 and responsibilities that arise from signing an acknowledgment  
28 of paternity, as well as information provided by the Title  
29 IV-D agency established pursuant to s. 409.2557, regarding the  
30 benefits of voluntary establishment of paternity. Upon request  
31 of the mother and the person to be named as the father, the

1 facility shall assist in the execution of the affidavit, ~~or~~ a  
2 notarized voluntary acknowledgment of paternity, or a  
3 voluntary acknowledgement of paternity that is witnessed by  
4 two individuals and signed under penalty of perjury as  
5 specified by s. 92.525(2).

6 Section 9. Effective July 1, 2004, paragraph (b) of  
7 subsection (1) of section 382.016, Florida Statutes, is  
8 amended to read:

9 382.016 Amendment of records.--The department, upon  
10 receipt of the fee prescribed in s. 382.0255; documentary  
11 evidence, as specified by rule, of any misstatement, error, or  
12 omission occurring in any birth, death, or fetal death record;  
13 and an affidavit setting forth the changes to be made, shall  
14 amend or replace the original certificate as necessary.

15 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

16 (b) Upon written request and receipt of an affidavit,  
17 a ~~or~~ notarized voluntary acknowledgment of paternity signed by  
18 the mother and father acknowledging the paternity of a  
19 registrant born out of wedlock, or a voluntary acknowledgement  
20 of paternity that is witnessed by two individuals and signed  
21 under penalty of perjury as specified by s. 92.525(2),

22 together with sufficient information to identify the original  
23 certificate of live birth, the department shall prepare a new  
24 birth certificate, which shall bear the same file number as  
25 the original birth certificate. The names and identifying  
26 information of the parents shall be entered as of the date of  
27 the registrant's birth. The surname of the registrant may be  
28 changed from that shown on the original birth certificate at  
29 the request of the mother and father of the registrant, or the  
30 registrant if of legal age. If the mother and father marry  
31 each other at any time after the registrant's birth, the

1 department shall, upon the request of the mother and father or  
2 registrant if of legal age and proof of the marriage, amend  
3 the certificate with regard to the parents' marital status as  
4 though the parents were married at the time of birth. The  
5 department shall substitute the new certificate of birth for  
6 the original certificate on file. All copies of the original  
7 certificate of live birth in the custody of a local registrar  
8 or other state custodian of vital records shall be forwarded  
9 to the State Registrar. Thereafter, when a certified copy of  
10 the certificate of birth or portion thereof is issued, it  
11 shall be a copy of the new certificate of birth or portion  
12 thereof, except when a court order requires issuance of a  
13 certified copy of the original certificate of birth. The  
14 department shall place the original certificate of birth and  
15 all papers pertaining thereto under seal, not to be broken  
16 except by order of a court of competent jurisdiction or as  
17 otherwise provided by law.

18 Section 10. Paragraph (b) of subsection (2) of section  
19 409.2558, Florida Statutes, is amended to read:

20 409.2558 Support distribution and disbursement.--

21 (2) UNDISTRIBUTABLE COLLECTIONS.--

22 (b) Collections that are determined to be  
23 undistributable shall be processed in the following order of  
24 priority:

25 1. Apply the payment to any assigned arrears on the  
26 custodial parent's case; then

27 2. Apply the payment to any administrative costs  
28 ordered by the court pursuant to s. 409.2567 associated with  
29 the custodial parent's case; then

30 3. When the noncustodial parent is subject to a valid  
31 order to support another child ~~other children~~ in a ~~another~~

1 case with a different custodial parent and the obligation is  
2 being enforced by the department, the department shall send by  
3 certified mail, return receipt requested, to the noncustodial  
4 parent at the most recent address provided by the noncustodial  
5 parent to the tribunal that issued the order, a notice stating  
6 the department's intention to apply the payment pursuant to  
7 this subparagraph, and advising the noncustodial parent of the  
8 right to contest the department's proposed action in the  
9 circuit court by filing and serving a petition on the  
10 department within 30 days after the mailing of the notice. If  
11 the noncustodial parent does not file and serve a petition  
12 within the 30 days after mailing of the notice, or upon a  
13 disposition of the judicial action favorable to the  
14 department, the department shall, ~~with the noncustodial~~  
15 parent's permission, apply the payment towards his or her  
16 other support obligation. If there is more than one such other  
17 case, the department shall allocate the remaining  
18 undistributable amount as specified by s. 61.1301(4)(c); then

19           4. Return the payment to the noncustodial parent; then  
20           5. If the noncustodial parent cannot be located after  
21 diligent efforts by the department, the federal share of the  
22 payment shall be credited to the Federal Government and the  
23 state share shall be transferred to the General Revenue Fund.

24           Section 11. Subsection (1) of section 409.2561,  
25 Florida Statutes, is amended to read:

26           409.2561 Support obligations when public assistance is  
27 paid; assignment of rights; subrogation; medical and health  
28 insurance information.--

29           (1) Any payment of temporary cash or Title IV-E  
30 assistance made to, or for the benefit of, any dependent child  
31 creates an obligation in an amount determined pursuant to the

1 child support guidelines. In accordance with 42 U.S.C. s. 657,  
2 the state shall retain amounts collected only to the extent  
3 necessary to reimburse amounts paid to the family as  
4 assistance by the state. Such amounts collected shall be  
5 deposited into the General Revenue Fund up to the level  
6 specified in s. 61.1812. If there has been a prior support  
7 ~~court~~ order or final judgment of dissolution of marriage  
8 establishing an obligation of support, the obligation is  
9 limited to the amount provided by such support court order or  
10 decree. The extraordinary remedy of contempt is applicable in  
11 child support enforcement cases because of the public  
12 necessity for ensuring that dependent children be maintained  
13 from the resources of their parents, thereby relieving, at  
14 least in part, the burden presently borne by the general  
15 citizenry through the public assistance program. If there is  
16 no prior support court order ~~establishing an obligation of~~  
17 ~~support~~, the court, or the department as provided by s.  
18 409.2563, shall establish the liability of the obligor, if  
19 any, by applying the child support guidelines. The department  
20 may apply for modification of a support court order on the  
21 same grounds as either party to the cause and shall have the  
22 right to settle and compromise actions brought pursuant to  
23 law.

24 Section 12. Subsections (4) and (8) of section  
25 409.2563, Florida Statutes, are amended to read:

26 409.2563 Administrative establishment of child support  
27 obligations.--

28 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE  
29 SUPPORT ORDER.--To commence a proceeding under this section,  
30 the department shall provide to the custodial parent and serve  
31 the noncustodial parent with a notice of proceeding to

1 establish administrative support order and a blank financial  
2 affidavit form. The notice must state:

3 (a) The names of both parents, the name of the  
4 caretaker relative, if any, and the name and date of birth of  
5 the child or children;

6 (b) That the department intends to establish an  
7 administrative support order as defined in this section;

8 (c) That both parents must submit a completed  
9 financial affidavit to the department within 20 days after  
10 receiving the notice, as provided by paragraph (13)(a);

11 (d) That both parents, or parent and caretaker  
12 relative if applicable, are required to furnish to the  
13 department information regarding their identities and  
14 locations, as provided by paragraph (13)(b);

15 (e) That both parents, or parent and caretaker  
16 relative if applicable, are required to promptly notify the  
17 department of any change in their mailing addresses to ensure  
18 receipt of all subsequent pleadings, notices, and orders, as  
19 provided by paragraph (13)(c);

20 (f) That the department will calculate support  
21 obligations based on the child support guidelines in s. 61.30  
22 and using all available information, as provided by paragraph  
23 (5)(a), and will incorporate such obligations into a proposed  
24 administrative support order;

25 (g) That the department will send by regular mail to  
26 both parents, or parent and caretaker relative if applicable,  
27 a copy of the proposed administrative support order, the  
28 department's child support worksheet, and any financial  
29 affidavits submitted by a parent or prepared by the  
30 department;

31

1           (h) That the noncustodial parent may file a request  
2 for a hearing in writing within 20 days after the date of  
3 mailing or other service of the proposed administrative  
4 support order or will be deemed to have waived the right to  
5 request a hearing;

6           (i) That if the noncustodial parent does not file a  
7 timely request for hearing after service of the proposed  
8 administrative support order, the department will issue an  
9 administrative support order that incorporates the findings of  
10 the proposed administrative support order, and will send by  
11 regular mail a copy of the administrative support order to  
12 both parents, or parent and caretaker relative if applicable;

13           (j) That after an administrative support order is  
14 rendered, the department will file a copy of the order with  
15 the clerk of the circuit court;

16           (k) That after an administrative support order is  
17 rendered, the department may enforce the administrative  
18 support order by any lawful means;

19           (l) That either parent, or caretaker relative if  
20 applicable, may file at any time a civil action in a circuit  
21 court having jurisdiction and proper venue to determine the  
22 noncustodial parent's child support obligations, if any, and  
23 that a support order issued by a circuit court supersedes an  
24 administrative support order rendered by the department;

25           (m) That, neither the department nor the Division of  
26 Administrative Hearings has jurisdiction to award or change  
27 child custody or rights of parental contact and these issues  
28 may only be addressed in circuit court.

29           1. The noncustodial parent may request in writing that  
30 the department proceed in circuit court to determine his or  
31 her support obligations.



1           2. The noncustodial parent may state in writing to the  
2 department his or her intention to address issues concerning  
3 custody or rights to parental contact in circuit court.

4           3. If the noncustodial parent submits the request  
5 authorized in subparagraph 1., or the statement authorized in  
6 subparagraph 2. to the department within 20 days after the  
7 receipt of the initial notice, the department shall file a  
8 petition in circuit court for the determination of the  
9 noncustodial parent's child support obligations, and shall  
10 send to the noncustodial parent a copy of its petition, a  
11 notice of commencement of action, and a request for waiver of  
12 service of process as provided in the Rules of Civil  
13 Procedure.

14           4. If, within 10 days after receipt of the  
15 department's petition and waiver of service, the noncustodial  
16 parent signs and returns the waiver of service form to the  
17 department, the department shall terminate the administrative  
18 proceeding without prejudice and proceed in circuit court.

19           5. In any circuit court action filed by the department  
20 pursuant to this paragraph or filed by a noncustodial parent  
21 or other person pursuant to paragraph (l) or paragraph (n),  
22 the department shall be a party only with respect to those  
23 issues of support allowed and reimbursable under Title IV-D of  
24 the Social Security Act. It is the responsibility of the  
25 noncustodial parent or other person to take the necessary  
26 steps to present other issues for the court to consider; ~~That~~  
27 ~~if the noncustodial parent has issues regarding child custody~~  
28 ~~or right of parental contact or requests to proceed in circuit~~  
29 ~~court, the noncustodial parent may request in writing that the~~  
30 ~~department proceed in circuit court to determine support. That~~  
31 ~~the noncustodial parent must make such request in writing~~

1 ~~within 20 days after receipt of the initial notice. That upon~~  
2 ~~such request, the department shall send the noncustodial~~  
3 ~~parent by regular mail a copy of the department's petition and~~  
4 ~~waiver of service form. That the noncustodial parent must sign~~  
5 ~~and return the waiver of service form, within 10 days of~~  
6 ~~receipt of the petition, at which time the department shall~~  
7 ~~terminate the administrative proceeding and file an action in~~  
8 ~~circuit court to determine support;~~

9 (n) That if the noncustodial parent files an action in  
10 circuit court and serves the department with a copy of the  
11 petition within 20 days after being served notice under this  
12 subsection, the administrative process ends without prejudice  
13 and the action must proceed in circuit court;

14 (o) Information provided by the Office of State Courts  
15 Administrator concerning the availability and location of  
16 self-help programs for those who wish to file an action in  
17 circuit court but who cannot afford an attorney.

18  
19 The department may serve the notice of proceeding to establish  
20 administrative support order by certified mail, restricted  
21 delivery, return receipt requested. Alternatively, the  
22 department may serve the notice by any means permitted for  
23 service of process in a civil action. For purposes of this  
24 section, an authorized employee of the department may serve  
25 the notice and execute an affidavit of service. Service by  
26 certified mail is completed when the certified mail is  
27 received or refused by the addressee or by an authorized agent  
28 as designated by the addressee in writing. If a person other  
29 than the addressee signs the return receipt, the department  
30 shall attempt to reach the addressee by telephone to confirm  
31 whether the notice was received, and the department shall

1 document any telephonic communications. If someone other than  
2 the addressee signs the return receipt, the addressee does not  
3 respond to the notice, and the department is unable to confirm  
4 that the addressee has received the notice, service is not  
5 completed and the department shall attempt to have the  
6 addressee served personally. The department shall provide the  
7 custodial parent or caretaker relative with a copy of the  
8 notice by regular mail to the last known address of the  
9 custodial parent or caretaker.

10 (8) FILING WITH THE CLERK OF THE CIRCUIT COURT;  
11 OFFICIAL PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.--The  
12 department shall file with the clerk of the circuit court a  
13 certified copy of an administrative support order rendered  
14 under this section. The depository operated pursuant to s.  
15 61.181 for the county where the administrative support order  
16 has been filed shall:

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

19 (b) Establish and maintain the necessary payment  
20 accounts;

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

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

26  
27 When a proceeding to establish an administrative support order  
28 is commenced under subsection (4), the department shall file a  
29 copy of the initial notice with the depository. The depository  
30 shall assign an account number and provide the account number  
31

1 to the department within 4 business days after the initial  
2 notice is filed.

3 Section 13. Subsection (3) of section 409.25656,  
4 Florida Statutes, is amended to read:

5 409.25656 Garnishment.--

6 (3) During the last 30 days of the 60-day period set  
7 forth in subsection (1), the executive director or his or her  
8 designee may levy upon such credits, personal property, or  
9 debts. The levy must be accomplished by delivery of a notice  
10 of levy by registered mail, upon receipt of which the person  
11 possessing the credits, other personal property, or debts  
12 shall transfer them to the department or pay to the department  
13 the amount owed by the obligor. If the department levies upon  
14 securities and the value of the securities is less than the  
15 total amount of past due or overdue support, the person who  
16 possesses or controls the securities shall liquidate the  
17 securities in a commercially reasonable manner. After  
18 liquidation, the person shall transfer to the department the  
19 proceeds, less any applicable commissions or fees, or both,  
20 which are charged in the normal course of business. If the  
21 value of the securities exceeds the total amount of past due  
22 or overdue support, the obligor may, within 7 days after  
23 receipt of the department's notice of levy, instruct the  
24 person who possesses or controls the securities which  
25 securities are to be sold to satisfy the obligation for past  
26 due or overdue support. If the obligor does not provide  
27 instructions for liquidation, the person who possesses or  
28 controls the securities shall liquidate the securities in a  
29 commercially reasonable manner ~~and~~ in an amount sufficient to  
30 cover the obligation for past due or overdue support and, ~~less~~  
31 any applicable commissions or fees, or both, which are charged

1 in the normal course of business, beginning with the  
2 securities purchased most recently. After liquidation, the  
3 person who possesses or controls the securities shall transfer  
4 to the department the total amount of past due or overdue  
5 support.

6 Section 14. Effective July 1, 2004, section 409.25659,  
7 Florida Statutes, is created to read:

8 409.25659 Insurance claim data exchange.--

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

10 (a) "Insurer" means an entity that is responsible for  
11 paying a claim on liability coverage in an insurance contract  
12 and which is:

13 1. An insurer, as defined in s. 624.03, authorized to  
14 transact insurance in this state;

15 2. An eligible surplus lines insurer pursuant to part  
16 VIII of chapter 626;

17 3. A joint underwriter or joint reinsurer created by  
18 law or otherwise operating pursuant to s. 627.311; or

19 4. An insurance risk apportionment plan operating  
20 pursuant to s. 627.351.

21 (b) "Claim" means an open, unresolved claim on  
22 liability coverage in an insurance contract payable to an  
23 individual, or to a third party for the benefit of the  
24 individual, who is a resident of this state or who had an  
25 accident or loss that occurred in this state.

26 (2) The department shall develop and operate a data  
27 match system after consultation with one or more insurers,  
28 using automated data exchanges to the maximum extent feasible,  
29 in which an insurer is required to provide the department  
30 monthly with the name, address, and, if known, date of birth  
31 and social security number or other taxpayer identification

1 number, for each noncustodial parent who has a claim with the  
2 insurer and who owes past due support, and the claim number,  
3 claim processing agent's name, address, and phone number, and  
4 any other identifying information maintained by the insurer  
5 for each claim. An insurer may comply with this requirement  
6 by:

7 (a) Authorizing the department to obtain claim  
8 information from an insurance claim data collection  
9 organization to which the insurer subscribes and to which the  
10 insurer submits the required claim data on at least a monthly  
11 basis; or

12 (b) Providing the required data for each claim being  
13 maintained by the insurer directly to the department in an  
14 electronic medium; or

15 (c) Receiving a data file from the department and  
16 conducting a data match of all noncustodial parents who have a  
17 claim with the insurer and who owe past due support and  
18 submitting the required data for each noncustodial parent to  
19 the department.

20 (3) The department shall establish by rule a standard  
21 fee, not to exceed actual costs, and pay the fee upon request  
22 to an insurer for conducting a data match as provided by  
23 subsection (2)(c).

24 (4) An insurer, its directors, agents, and employees  
25 and any central reporting organization and its agents and  
26 employees authorized by an insurer to act on its behalf, who  
27 comply with the requirements of this section are immune from  
28 any liability to the claimant or other payees, lienholders, or  
29 other affected entities for any alleged or actual damages that  
30 occur as a result of compliance with these requirements.

31

1           (5) The Department of Revenue may adopt rules to  
2 administer this section.

3           Section 15. Section 409.25662, Florida Statutes, is  
4 created to read:

5           409.25662 Withholding pari-mutuel winnings for unpaid  
6 support.--

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

8           (a) "Pari-mutuel facility" has the same meaning as in  
9 s. 550.002(23).

10           (b) "Winnings" means the proceeds of a pari-mutuel  
11 wager in an amount equal to or greater than \$600, which are  
12 subject to reporting to the United States Internal Revenue  
13 Service pursuant to section 6041 of the Internal Revenue Code  
14 of 1986.

15           (2) DISCLOSURE OF INDIVIDUALS WHO OWE UNPAID  
16 SUPPORT.--

17           (a) Before a pari-mutuel facility pays winnings to an  
18 individual, the pari-mutuel facility shall use one of the  
19 methods specified in paragraph (b) to inquire of the  
20 department whether the individual owes unpaid support. The  
21 pari-mutuel facility shall provide the department with the  
22 individual's name and social security number and the  
23 department shall promptly disclose to the pari-mutuel facility  
24 whether the individual owes unpaid support in an amount equal  
25 to or greater than \$600 in a Title IV-D case and, if so, the  
26 amount owed. If the individual is a nonresident alien, the  
27 pari-mutuel facility shall provide the department with the  
28 individual's taxpayer identification number, if available, or  
29 other identifying information in lieu of a social security  
30 number.

31

1           (b) The department shall provide access to the  
2 information required by paragraph (a) through:

3           1. A secure database that is accessible through the  
4 Internet;

5           2. An automated telephone response system; and

6           3. Customer service representatives who may be  
7 contacted by telephone during the department's normal working  
8 hours.

9           (3) WITHHOLDING WINNINGS; TRANSMITTING PAYMENTS AND  
10 PAYMENT DATA; TRANSACTION FEE.--After withholding amounts for  
11 federal income taxes and any fee as authorized by this  
12 section, a pari-mutuel facility shall withhold from the net  
13 winnings of an individual who owes unpaid support, and pay to  
14 the department, all amounts not exceeding the total amount of  
15 unpaid support. After withholding winnings for unpaid support,  
16 the pari-mutuel facility shall remit to the department the  
17 amount due within 7 days, providing the department with the  
18 name and address of the pari-mutuel facility; the name,  
19 address, and social security number of the individual; the  
20 amount withheld; and the date of withholding. The department  
21 shall provide pari-mutuel facilities with access to an  
22 Internet-based system for electronic transfer of payments and  
23 data. A pari-mutuel facility may deduct a transaction fee from  
24 the individual's winnings in an amount not to exceed \$25  
25 before remitting the net amount payable to the department.  
26 Upon withholding, the pari-mutuel facility shall provide the  
27 individual with a written notice, as specified or approved by  
28 the department, which informs the individual of the right to  
29 contest withholding and how to contact the department.

30           (4) NOTICE OF RIGHT TO CONTEST WITHHOLDING;  
31 ADMINISTRATIVE HEARING; JUDICIAL REVIEW.--Upon notice that



1 winnings have been withheld, the department shall promptly  
2 send by certified mail, return receipt requested, to the  
3 noncustodial parent at the most recent address provided by the  
4 noncustodial parent to the tribunal that issued the order, a  
5 notice advising the noncustodial parent of the right to  
6 contest the withholding by filing a written request for an  
7 administrative hearing under chapter 120 with the department  
8 within 21 days after the mailing of the notice. Failure of the  
9 individual to make a timely written request for an  
10 administrative hearing is deemed a waiver of the right to  
11 hearing. A final order rendered under chapter 120 is subject  
12 to judicial review as provided by s. 120.68. If the individual  
13 does not file a timely written request for an administrative  
14 hearing, or if the department prevails in a contested matter,  
15 the department shall distribute the collection as provided by  
16 s. 409.2558.

17 (5) IMMUNITY.--A pari-mutuel facility is immune from  
18 liability to any person for actions taken in good faith to  
19 comply with this section.

20 (6) FAILURE TO COMPLY; REMEDIES.--A pari-mutuel  
21 facility that does not inquire, withhold, or remit payments  
22 and data as required by this section is liable for the amount  
23 the pari-mutuel facility should have withheld or remitted,  
24 plus costs, interest, and reasonable attorney's fees. The  
25 department may file an action in circuit court to compel  
26 compliance with any provision of this section.

27 (7) RULEMAKING AUTHORITY.--The department may adopt  
28 rules to administer or enforce this section.

29 Section 16. Effective July 1, 2004, section 409.257,  
30 Florida Statutes, is amended to read:

31

1           409.257 Service of process.--The service of initial  
2 process and orders in lawsuits filed by the department, under  
3 this act, shall be served by the sheriff in the county where  
4 the person to be served may be found or, if determined more  
5 effective by the department, by any means permitted under  
6 chapter 48 for service of process in a civil action. The  
7 sheriff shall be reimbursed at the prevailing rate of federal  
8 financial participation for service of process and orders as  
9 allowed by law. The sheriff shall bill the department monthly  
10 as provided for in s. 30.51(2). In addition, process and  
11 orders may be served or executed by authorized agents of the  
12 department at the department's discretion; provided that the  
13 agent of the department does not take any action against  
14 personal property, real property, or persons. Notices and  
15 other intermediate process, except witness subpoenas, shall be  
16 served by the department as provided for in the Florida Rules  
17 of Civil Procedure. Witness subpoenas shall be served by the  
18 department by certified mail as provided for in s. 48.031(3).

19           Section 17. Subsections (1) and (2) of section  
20 409.2572, Florida Statutes, are amended to read:

21           409.2572 Cooperation.--

22           (1) An applicant for, or recipient of, public  
23 assistance for a dependent child shall cooperate in good faith  
24 with the department or a program attorney in:

25           (a) Identifying and helping to locate the alleged  
26 parent or obligor.

27           (b) Assisting in establishing the paternity of a child  
28 born out of wedlock.

29           (c) Assisting in obtaining support payments from the  
30 obligor.

31

1 (d) Assisting in obtaining any other payments or  
2 property due from the obligor.

3 (e) Identifying another putative father when an  
4 earlier named putative father has been excluded by DNA, Human  
5 Leukocyte Antigen, or other scientific test.

6 (f) Appearing at an office of the department, or  
7 another designated office, as necessary to provide verbal or  
8 written information, or documentary or physical evidence,  
9 known to, possessed by, or reasonably obtainable by the  
10 applicant or recipient.

11 (g) Appearing as a witness at judicial or other  
12 hearings or proceedings.

13 (h) Providing information under oath regarding the  
14 identity or location of the alleged father of the child or  
15 attesting to the lack of information.

16 (i) Paying to the department any support received from  
17 the obligor after the assignment is effective.

18 (2) Noncooperation, or failure to cooperate in good  
19 faith, is defined to include, but is not limited to, the  
20 following conduct:

21 (a) ~~Failing or~~ Refusing to identify the father of the  
22 child, or where more than one man could be the father of the  
23 child, refusing to identify all such persons. ~~If the mother~~  
24 ~~identifies one or more persons as the possible father of the~~  
25 ~~child and asserts that there are no others who could be the~~  
26 ~~father of the child, but the DNA test, Human Leukocyte Antigen~~  
27 ~~test, or other scientific test indicates that none of the~~  
28 ~~persons identified could in fact have been the father of the~~  
29 ~~child, the mother shall be deemed noncooperative. If she~~  
30 ~~subsequently identifies another person as the possible father~~  
31 ~~of the child, she shall still be deemed noncooperative until~~

1 ~~that person has been given the DNA test, Human Leukocyte~~  
2 ~~Antigen test, or other scientific test and is not excluded as~~  
3 ~~the father by the test.~~

4 (b) Failing to appear for two appointments at the  
5 department or other designated office without justification  
6 and notice.

7 (c) Providing false information regarding the  
8 paternity of the child or the obligation of the obligor.

9 (d) All actions of the obligee which interfere with  
10 the state's efforts to proceed to establish paternity, the  
11 obligation of support, or to enforce or collect support.

12 (e) Failure to appear to submit a DNA sample ~~at the~~  
13 ~~laboratory for drawing of blood samples,~~ or leaving the  
14 location laboratory prior to submitting a DNA sample ~~the~~  
15 ~~drawing of blood samples~~ without compelling reasons.

16 (f) Failure to assist in the recovery of third-party  
17 payment for medical services.

18 Section 18. Section 409.259, Florida Statutes, is  
19 amended to read:

20 409.259 ~~Partial payment of Filing fees in Title IV-D~~  
21 cases.--

22 (1) Notwithstanding s. 28.241, each clerk of the  
23 circuit court shall accept petitions, complaints, and motions  
24 filed by the department in Title IV-D cases without billing  
25 the department separately for each filing, since the clerk is  
26 being reimbursed in a different manner for expenses incurred  
27 in such filings under the cooperative agreement with the  
28 department pursuant to ss. 61.181(1) and 61.1826(2) and (4).  
29 ~~only be reimbursed at the prevailing rate of federal financial~~  
30 ~~participation on the amount of \$40 for each civil action,~~  
31 ~~suit, or proceeding for support instituted in the circuit~~

1 ~~court in which the parent is not receiving temporary cash~~  
2 ~~assistance. The prevailing rate of the state match shall be~~  
3 ~~paid by the local government in the form of a certified public~~  
4 ~~expenditure. The clerk of the circuit court shall bill the~~  
5 ~~department monthly. The clerk of the circuit court and the~~  
6 ~~department shall maintain a monthly log of the number of civil~~  
7 ~~actions, suits, or proceedings filed in which the parent does~~  
8 ~~not receive temporary assistance. These monthly logs will be~~  
9 ~~used to determine the number of \$40 filings the clerk of court~~  
10 ~~may submit for reimbursement at the prevailing rate of federal~~  
11 ~~financial participation.~~

12 (2) Notwithstanding subsection (1), the department  
13 shall continue to be entitled to the other necessary services  
14 of the clerk of court in any proceedings under the IV-D  
15 program as authorized under s. 409.2571.

16 Section 19. Section 409.2598, Florida Statutes, is  
17 amended to read:

18 409.2598 Suspension or denial of new or renewal  
19 licenses; registrations; certifications.--

20 (1) As used in this section, the term:

21 (a) "License" means a license, permit, certificate,  
22 registration, franchise, or other form of written permission  
23 issued by a licensing agency to an individual which authorizes  
24 the individual to engage in an occupation, business, trade, or  
25 profession or to engage in a recreational activity, including  
26 hunting or fishing. Where the context permits, the term also  
27 includes an application for a new or renewal license.

28 (b) "Licensee" means an individual who has a license.

29 (c) "Licensing agency" means a department, commission,  
30 agency, district, county, municipality, or other subdivision  
31 of state or local government which issues licenses.

1           (2)~~(1)~~ The Title IV-D agency may petition the court  
2 that entered the support order or the court that is enforcing  
3 the support order to deny or suspend the license,  
4 ~~registration, or certificate issued under chapter 370, chapter~~  
5 ~~372, chapter 409, chapter 455, chapter 456, chapter 559,~~  
6 ~~chapter 1012, s. 328.42, or s. 597.010 of any obligor with a~~  
7 ~~delinquent support obligation or who fails, after receiving~~  
8 ~~appropriate notice, to comply with subpoenas, orders to~~  
9 ~~appear, orders to show cause, or similar orders relating to~~  
10 ~~paternity or support proceedings. However, a petition may not~~  
11 ~~be filed until the Title IV-D agency has exhausted all other~~  
12 ~~available remedies. The purpose of this section is to promote~~  
13 ~~the public policy of the state as established in s. 409.2551.~~

14           ~~(2) The Title IV-D agency is authorized to screen all~~  
15 ~~applicants for new or renewal licenses, registrations, or~~  
16 ~~certificates and current licenses, registrations, or~~  
17 ~~certificates and current licensees, registration holders, and~~  
18 ~~certificateholders of all licenses, registrations, and~~  
19 ~~certificates issued under chapter 370, chapter 409, chapter~~  
20 ~~455, chapter 456, chapter 559, chapter 1012, or s. 328.42 to~~  
21 ~~ensure compliance with any support obligation and any~~  
22 ~~subpoenas, orders to appear, orders to show cause, or similar~~  
23 ~~orders relating to paternity or support proceedings. If the~~  
24 ~~Title IV-D agency determines that an applicant, licensee,~~  
25 ~~registration holder, or certificateholder is an obligor who is~~  
26 ~~delinquent on a support obligation or who is not in compliance~~  
27 ~~with a subpoena, order to appear, order to show cause, or~~  
28 ~~similar order relating to paternity or support proceedings,~~  
29 ~~the Title IV-D agency shall certify the delinquency pursuant~~  
30 ~~to s. 61.14.~~

31

1           (3) The Title IV-D agency shall give notice to any  
2 obligor who is an applicant for a new or renewal license ~~or~~  
3 ~~certificate~~ or the holder of a current license ~~or certificate~~  
4 when a delinquency exists in the support obligation or when an  
5 obligor has failed to comply with a subpoena, order to appear,  
6 order to show cause, or similar order relating to paternity or  
7 support proceeding. The notice shall specify that the obligor  
8 has 30 days from the date of mailing of the notice ~~on which~~  
9 ~~service of the notice is complete~~ to pay the delinquency or to  
10 reach an agreement to pay the delinquency with the Title IV-D  
11 agency or comply with the subpoena, order to appear, order to  
12 show cause, or similar order. The notice shall specify that,  
13 if payment is not made or an agreement cannot be reached, or  
14 if the subpoena, order to appear, order to show cause, or  
15 similar order is not complied with, the application may be  
16 denied or the license ~~or certification~~ may be suspended  
17 pursuant to a court order.

18           (4) If the obligor fails to pay the delinquency or  
19 enter into a repayment agreement with the department ~~reach an~~  
20 ~~agreeable payment arrangement~~ or comply with the subpoena,  
21 order to appear, order to show cause, or similar order within  
22 30 days following completion of service of the notice, the  
23 Title IV-D agency shall send a second notice to the obligor  
24 stating that the obligor has 30 days to pay the delinquency or  
25 reach an agreement to pay the delinquency with the Title IV-D  
26 agency or comply with the subpoena, order to appear, order to  
27 show cause, or similar order. If the obligor fails to respond  
28 to either notice from the Title IV-D agency or if the obligor  
29 fails to pay the delinquency or reach an agreement to pay the  
30 delinquency or comply with the subpoena, order to appear,  
31 order to show cause, or similar order after the second notice,

1 the Title IV-D agency may petition the court which entered the  
2 support order or the court which is enforcing the support  
3 order to deny the application for the license ~~or certificate~~  
4 or to suspend the license ~~or certificate~~ of the obligor.  
5 However, no petition may be filed until the Title IV-D agency  
6 has exhausted all other available remedies. The court may  
7 find that it would be inappropriate to deny a license or  
8 suspend a license ~~or certificate~~ if:

9 (a) Denial or suspension would result in irreparable  
10 harm to the obligor or employees of the obligor or would not  
11 accomplish the objective of collecting the delinquency; or

12 (b) The obligor demonstrates that he or she has made a  
13 good faith effort to reach an agreement with the Title IV-D  
14 agency.

15  
16 The court may not deny or suspend a license ~~or certificate~~ if  
17 the court determines that an alternative remedy is available  
18 to the Title IV-D agency which is likely to accomplish the  
19 objective of collecting the delinquency or obtaining  
20 compliance with the subpoena, order to appear, order to show  
21 cause, or similar order. If the obligor fails in the defense  
22 of a petition for denial or suspension, the court which  
23 entered the support order or the court which is enforcing the  
24 support order shall enter an order to deny the application for  
25 the license ~~or certification~~ or to suspend the license ~~or~~  
26 ~~certification~~ of the obligor. The court shall order the  
27 obligor to surrender the license ~~or certification~~ to the Title  
28 IV-D agency, which will return the license ~~or certification~~  
29 and a copy of the order of suspension to the appropriate  
30 ~~department or licensing~~ agency entity.

31



1           (5) If the court denies or suspends a license ~~or~~  
2 ~~certification~~ and the obligor subsequently pays the  
3 delinquency or reaches an agreement with the Title IV-D agency  
4 to settle the delinquency and makes the first payment required  
5 by the agreement, or complies with the subpoena, order to  
6 appear, order to show cause, or similar order, the license ~~or~~  
7 ~~certificate~~ shall be issued or reinstated upon written proof  
8 to the court that the obligor has complied with the terms of  
9 the court order, subpoena, order to appear, order to show  
10 cause, or similar order. Proof of payment shall consist of a  
11 certified copy of the payment record issued by the depository.  
12 The court shall order the appropriate licensing agency  
13 ~~department or license board~~ to issue or reinstate the license  
14 ~~or certificate~~ without additional charge to the obligor.

15           (6) The licensing agency ~~department~~ shall, when  
16 directed by the court, suspend or deny the license ~~or~~  
17 ~~certificate~~ of any licensee ~~or certificateholder~~ under its  
18 jurisdiction found to have a delinquent support obligation or  
19 not to be in compliance with a subpoena, order to appear,  
20 order to show cause, or similar order. The licensing agency  
21 ~~department~~ shall issue or reinstate the license ~~or certificate~~  
22 without additional charge to the licensee ~~or certificateholder~~  
23 when notified by the court that the licensee ~~or~~  
24 ~~certificateholder~~ has complied with the terms of the court  
25 order, or subpoena, order to appear, order to show cause, or  
26 similar order.

27           (7) Notice shall be served under this section by  
28 regular mail ~~mailing it by certified mail, return receipt~~  
29 ~~requested,~~ to the obligor at his or her last address of record  
30 with the local depository or a more recent address if known.  
31 ~~if the obligor has no address of record with the local~~

1 ~~depository, or if the last address of record with the local~~  
2 ~~depository is incorrect, service shall be by publication as~~  
3 ~~provided in chapter 49. When service of the notice is made by~~  
4 ~~mail, service is complete upon the receipt of the notice by~~  
5 ~~the obligor.~~

6 Section 20. Effective July 1, 2004, subsection (1) of  
7 section 742.10, Florida Statutes, is amended to read:

8 742.10 Establishment of paternity for children born  
9 out of wedlock.--

10 (1) This chapter provides the primary jurisdiction and  
11 procedures for the determination of paternity for children  
12 born out of wedlock. When the establishment of paternity has  
13 been raised and determined within an adjudicatory hearing  
14 brought under the statutes governing inheritance, or  
15 dependency under workers' compensation or similar compensation  
16 programs, or when an affidavit acknowledging paternity or a  
17 stipulation of paternity is executed by both parties and filed  
18 with the clerk of the court, or when an affidavit, a or  
19 notarized voluntary acknowledgment of paternity, or a  
20 voluntary acknowledgement of paternity that is witnessed by  
21 two individuals and signed under penalty of perjury as  
22 provided for in s. 382.013 or s. 382.016 is executed by both  
23 parties, it shall constitute the establishment of paternity  
24 for purposes of this chapter. If no adjudicatory proceeding  
25 was held, a notarized voluntary acknowledgment of paternity or  
26 voluntary acknowledgement of paternity that is witnessed by  
27 two individuals and signed under penalty of perjury as  
28 specified by s. 92.525(2) shall create a rebuttable  
29 presumption, as defined by s. 90.304, of paternity and is  
30 subject to the right of any signatory to rescind the  
31 acknowledgment within 60 days after ~~of~~ the date the

1 acknowledgment was signed or the date of an administrative or  
2 judicial proceeding relating to the child, including a  
3 proceeding to establish a support order, in which the  
4 signatory is a party, whichever is earlier. Both parents must  
5 ~~are required to~~ provide their social security numbers on any  
6 acknowledgment of paternity, consent affidavit, or stipulation  
7 of paternity. Except for affidavits under seal pursuant to ss.  
8 382.015 and 382.016, the Office of Vital Statistics shall  
9 provide certified copies of affidavits to the Title IV-D  
10 agency upon request.

11           Section 21. (1) The Legislature finds that many of  
12 the children who are not receiving the child support ordered  
13 to support their basic needs are children of noncustodial  
14 parents who are obligors in Title IV-D cases and who are or  
15 have been incarcerated in the state correctional system.  
16 Incarcerated noncustodial parents are child support obligors  
17 whose locations are known and who, in turn, can be easily  
18 identified to improve payments of the child support upon  
19 release. The Legislature finds that efforts to address the  
20 child support issues of incarcerated noncustodial parents who  
21 are obligors in Title IV-D cases have the potential to better  
22 enable these parents to leave their incarceration prepared and  
23 capable of meeting their child support obligations. Such  
24 efforts are also recognized as having the potential to develop  
25 the familial connections and sense of parental obligation  
26 which have been found to contribute to reducing recidivism.

27           (2) By November 1, 2004, the Department of Revenue,  
28 with the assistance of the Department of Corrections, shall  
29 identify all inmates in the custody of the Department of  
30 Corrections who are noncustodial parents with ordered child  
31 support obligations.

1           (3) The Department of Corrections and the Department  
2 of Revenue shall jointly develop a data integration plan and  
3 jointly develop a plan of recommendations to facilitate  
4 improved payment of child support from noncustodial parents  
5 who are obligors in Title IV-D cases and who are incarcerated  
6 in Florida's prison system upon their release or upon their  
7 placement on community work release. This joint plan shall be  
8 based on an examination of the population of incarcerated  
9 noncustodial parents who are obligors in the Title IV-D cases,  
10 the child support issues facing incarcerated noncustodial  
11 parents which create barriers to payment, and the strategies  
12 that would enable and strengthen the willingness and  
13 capability of noncustodial parents to leave their  
14 incarceration prepared and capable of paying their child  
15 support obligation. For the purpose of this section, Florida's  
16 prison system is the system of prisons and correctional  
17 institutions under the jurisdiction of the Department of  
18 Corrections.

19           (4) At a minimum, the plan must link and develop  
20 information systems and collaborations to determine:

21           (a) The total amount owed by the inmate;

22           (b) The monthly child support amount ordered to be  
23 paid by the inmate;

24           (c) The legal status of the support order;

25           (d) The projected and actual release date for the  
26 inmate;

27           (e) The potential, if any, for the inmate to pay a  
28 portion of the child support obligation during the period of  
29 incarceration, particularly if the inmate is placed on  
30 community work release or other programs that allow the inmate  
31 to receive wages;

1           (f) The methodology for the ongoing collection of data  
2 on incarcerated noncustodial parents;

3           (g) Recommendations for actions that can be taken to  
4 educate and prepare the noncustodial parents for their child  
5 support obligation, including the identification of the  
6 entities responsible for each action;

7           (h) Recommendations for actions that can be taken to  
8 build collaboration and data-sharing between the Department of  
9 Revenue and the Department of Corrections relative to this  
10 initiative at both the local and state level;

11           (i) Recommendations for any legislative action that  
12 would facilitate payment of child support by this population  
13 during and after incarceration; and

14           (j) Issues found to need attention which are outside  
15 the scope of authority of the Department of Revenue and  
16 Department of Corrections.

17           (5) The Department of Revenue and the Department of  
18 Corrections shall submit a report that presents the jointly  
19 developed plan and information collected by December 31, 2004,  
20 to the Governor, the President of the Senate, and the Speaker  
21 of the House of Representatives. A follow-up report that  
22 presents the actions taken to implement the plan, barriers  
23 encountered, and any legislative actions identified to address  
24 emerging issues shall be prepared by the Department of Revenue  
25 and the Department of Corrections and submitted by December  
26 31, 2005, to the Governor, the President of the Senate, and  
27 the Speaker of the House of Representatives.

28           Section 22. Except as otherwise expressly provided in  
29 this act, this act shall take effect upon becoming a law.  
30  
31

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 160

- 4 \*       Codifies the current practice relative to establishing  
5       account numbers upon initiating an administrative order.
- 6 \*       Directs contests of income deduction orders that were  
7       issued through the administrative support order process  
8       to the Department of Revenue instead of the court.
- 9 \*       Stipulates the authority of the administrative law judge  
10       to conduct the hearings for the administrative child  
11       support orders by telephone or video conferencing.
- 12 \*       Provides for termination of the current child support  
13       obligation when the child emancipates unless certain  
14       conditions exist.
- 15 \*       Provides for continued payment of the full child support  
16       obligation after the child emancipates to more quickly  
17       repay the arrearages.
- 18 \*       Amends the Child Support Enforcement Application and  
19       Program Revenue Trust Fund to reflect the current  
20       purpose, composition, and function of the trust fund.
- 21 \*       Replaces the reference to drawing blood samples to  
22       confirm paternity establishment with the current method  
23       of using DNA samples.
- 24 \*       Revises the notification requirements to noncustodial  
25       parents when the undistributable collection is to be  
26       applied to different custodial parent.
- 27 \*       Removes the insurance intercept initiative, including  
28       ancillary provisions that supported this initiative,  
29       which provided for the identification and collection of  
30       settlement payments on insurance liability claims to be  
31       applied to child support arrearages.
- \*       Creates an insurance claim data exchange to provide for  
the identification of settlement payments on insurance  
liability claims which can then be applied to child  
support arrearages in Title IV-D cases.
- \*       Provides for the identification and collection of  
withholdings from pari-mutual winnings for unpaid child  
support.
- \*       Expands the business and professional licenses for which  
the Department of Revenue has authority to seek denial or  
suspension to include all licenses issued by a state or  
local government licensing authority.
- \*       Requires the Department of Revenue and Department of  
Corrections to jointly develop a plan for facilitating  
improved child support payments from incarcerated  
noncustodial parents upon their release.

1 \* Revises the method of delivery from regular mail to  
2 certified mail, return receipt requested, of the notices  
3 the obligor has the right to contest the income deduction  
4 continuation of the full payment upon emancipation of the  
5 child and contest the withholdings of pari-mutuel  
6 winnings.  
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