

CHAPTER 97-170

House Bill No. 2031

An act relating to child support enforcement; amending s. 61.046, F.S.; defining the term "State Case Registry"; amending ss. 61.052, 382.008, 455.213, 455.2141, and 741.04, F.S.; requiring the inclusion of a person's social security number in judgments for dissolution of marriage, in death certificates, in certain licensing provisions, and in certain other provisions of law; amending s. 61.13, F.S.; revising language with respect to orders for child support; amending s. 61.1301, F.S.; revising language with respect to income deduction; providing for income deduction notice; amending s. 61.13016, F.S.; revising notification requirements with respect to the suspension of the driver's license of a child support obligor; amending s. 61.1354, F.S.; revising language with respect to the sharing of information between consumer reporting agencies and the IV-D agency; amending s. 61.14, F.S.; providing for the modification of certain support orders without a substantial change of circumstances; providing that workers' compensation payments are not exempt from garnishment, attachment, execution, and assignment of income for the purpose of enforcing child or spousal support obligations; amending s. 61.181, F.S.; extending a date with respect to the central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; amending s. 61.1812, F.S.; revising language with respect to the Child Support Incentive Trust Fund; amending s. 61.1814, F.S.; changing the name of the Child Support Enforcement Application and User Fee Trust Fund to the Child Support Enforcement Application and Program Revenue Trust Fund; amending s. 61.30, F.S.; providing that in certain Title IV-D cases no change of circumstances need to be proven to warrant a modification in child support payments; providing for retroactive child support under certain circumstances; providing that the Legislature shall review the child support guidelines at least every 4 years beginning in 1997; providing for a child support guidelines study; providing for a report; amending s. 88.1011, F.S.; revising definitions with respect to the Uniform Interstate Family Support Act; amending ss. 88.1021, 88.2031, and 88.3031, F.S.; conforming to the act; amending s. 88.2051, F.S., relating to continuing exclusive jurisdiction; amending s. 88.2071, F.S.; providing for the recognition of controlling child support orders; amending s. 88.3011, F.S.; correcting a cross reference; amending s. 88.3041, F.S.; providing a procedure when a responding state has not enacted a law similar to the Uniform Interstate Family Support Act; amending ss. 88.3051, 88.3061, 88.3071, and 88.6061, F.S.; deleting reference to first class mail for certain notification; amending s. 88.5011, F.S.; providing for the employer's receipt of an income-withholding order of another state; creating s. 88.50211, F.S., relating to the employer's compliance with the income-withholding order of another state; creating s. 88.5031, F.S.; providing for compliance with multiple income-withholding orders; creating s. 88.5041, F.S.;

providing for immunity from civil liability; creating s. 88.5051, F.S.; providing for penalties for noncompliance; creating s. 88.5061, F.S.; providing for the contest by the obligor of the validity of enforcement of an income-withholding order under certain circumstances; transferring and renumbering s. 88.5021, F.S., to conform to the act; amending s. 88.6051, F.S.; revising language with respect to notice of registration of order; amending s. 88.6111, F.S.; revising language with respect to modification of a child support order of another state; amending s. 88.6121, F.S., relating to the recognition of an order modified in another state; creating s. 88.6131, F.S.; providing for jurisdiction to modify the child support order of another state when individual parties reside in this state; creating s. 88.6141, F.S.; providing for notice to the issuing tribunal of modifications; amending s. 88.7011, F.S.; revising language with respect to proceeding to determine parentage; creating s. 88.9051, F.S.; providing for rules; amending s. 213.053, F.S.; revising language with respect to confidentiality and information sharing by the Department of Revenue; amending ss. 231.17, 402.308, 548.021, and 626.171, F.S.; requiring the inclusion of the applicant's social security number on applications for teaching certificates, child care facility licenses, a license or permit issued by the State Athletic Commission, and certain insurance licenses; amending s. 320.05, F.S.; directing the Department of Highway Safety and Motor Vehicles to disclose certain information to child support enforcing agencies; amending s. 382.013, F.S.; providing for the use of certain information regarding registered births; providing for certain information to be given to unwed mothers; amending ss. 383.0112, 383.0113, and 383.216, F.S., relating to the Commission on Responsible Fatherhood; postponing date of a statewide symposium; revising appointment of commission members; providing terms; providing for assignment to the Department of Children and Family Services; providing for inclusion of certain programs in the plan of each prenatal and infant health care coalition; amending s. 409.2554, F.S.; correcting a cross reference; creating s. 409.25575, F.S.; providing for the privatization of child support enforcement; amending s. 409.2561, F.S.; revising language with respect to reimbursement for public assistance payments made for support of a child; amending s. 409.2564, F.S.; revising language with respect to actions for support; creating s. 409.25641, F.S.; providing procedures for processing interstate enforcement requests; amending s. 409.25645, F.S.; authorizing the use of administrative orders to require genetic testing in Title IV-D cases; amending s. 409.25656, F.S.; revising language with respect to garnishment; creating s. 409.25657, F.S.; providing requirements for financial institutions; amending s. 409.2567, F.S.; revising language with respect to services to individuals not otherwise entitled to delete reference to paternity determination; amending s. 409.2574, F.S.; directing the department to serve notice on the obligor with respect to income deduction notice; creating s. 409.2576, F.S.; creating a State Directory of New Hires; providing definitions, reports, and data; providing for service of deduction notices; providing disclosure; providing for rulemaking; amending s. 409.2577, F.S.; revising language with

respect to the parent locator service; providing for certain notification; creating s. 409.2578, F.S.; providing for access to employment information; providing administrative fines; amending s. 409.2579, F.S.; revising language with respect to safeguarding Title IV-D case file information; amending s. 409.2598, F.S., relating to suspension or denial of new or renewal licenses, registrations, and certification; amending s. 414.028, F.S.; authorizing local WAGES coalitions to fund certain community-based welfare prevention and reduction initiatives; amending s. 443.171, F.S., relating to records and reports of employing units with respect to unemployment compensation; amending s. 443.1715, F.S., relating to the disclosure of certain information with respect to unemployment compensation; amending s. 742.031, F.S.; providing for the recording of each parties social security number on the order adjudicating paternity; providing that certain bills are admissible in evidence; providing requirements with respect to a judgment of paternity which does not contain an explicit award of custody; providing for temporary orders of child support; creating s. 742.032, F.S.; providing for the filing of location information; amending s. 742.10, F.S.; providing that certain persons may rescind an acknowledgment of paternity under certain circumstances; providing for certain rules; providing for the effect of a signed voluntary acknowledgement of paternity; amending s. 742.105, F.S., relating to the effect of a determination of paternity from a foreign jurisdiction; amending s. 742.12, F.S.; revising language with respect to scientific testing to determine paternity; amending s. 744.301, F.S.; revising language with respect to natural guardians; amending s. 943.053, F.S.; directing the Department of Law Enforcement to disclose certain information to the child support enforcement agency; exempting the Department of Revenue from the provisions of certain statutes to expedite the acquisition of goods and services and the leasing of facilities for the implementation of the act; directing the department to develop a draft request for a state disbursement unit and a state case registry; providing for a report; providing legislative findings with respect to protection of applicants and recipients of certain public assistance; repealing s. 443.175, F.S., relating to pilot projects; requiring a report from the Department of Revenue; providing effective dates.

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

Section 1. Subsection (13) is added to section 61.046, Florida Statutes, 1996 Supplement, to read:

61.046 Definitions.—As used in this chapter:

(13) "State Case Registry" means a registry maintained by the Title IV-D agency for information related to paternity and child support orders for Title IV-D. Beginning October 1, 1998, information related to non-Title IV-D cases established or modified in the state shall be maintained in the registry.

Section 2. Subsections (7) and (8) are added to section 61.052, Florida Statutes, 1996 Supplement, to read:

61.052 Dissolution of marriage.—

(7) In the initial pleading for a dissolution of marriage as a separate attachment to the pleading, each party is required to provide his or her social security number.

(8) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 3. Paragraph (b) of subsection (1) of section 61.13, Florida Statutes, 1996 Supplement, is amended, and subsections (9) and (10) are added to said section, to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(1)

(b) Each order for child support shall contain a provision for health insurance for the minor child when the insurance is reasonably available. Insurance is reasonably available if either the obligor or the obligee has access at a reasonable rate to group insurance. The court may require the obligor either to provide health insurance coverage or to reimburse the obligee for the cost of health insurance coverage for the minor child when coverage is provided by the obligee. In either event, the court shall apportion the cost of coverage to both parties by adding the cost to the basic obligation determined pursuant to s. 61.30(6).

1. A copy of the court order for insurance coverage shall be served on the obligor's payor or union by the obligee or the IV-D agency when the following conditions are met:

a. The obligor fails to provide written proof to the obligee or the IV-D agency within 30 days of receiving effective notice of the court order, that the insurance has been obtained or that application for insurability has been made;

b. The obligee or IV-D agency serves written notice of its intent to enforce medical support on the obligor by mail at the obligor's last known address; and

c. The obligor fails within 15 days after the mailing of the notice to provide written proof to the obligee or the IV-D agency that the insurance coverage existed as of the date of mailing.

2. In cases in which the noncustodial parent provides health care coverage and the noncustodial parent changes employment and the new employer provides health care coverage, the IV-D agency shall transfer notice of the provision to the employer, which notice shall operate to enroll the child in

the noncustodial parent's health plan, unless the noncustodial parent contests the notice. Notice to enforce medical coverage under this section shall be served by the IV-D agency upon the obligor by mail at the obligor's last known address. The obligor shall have 15 days from the date of mailing of the notice to contest the notice with the IV-D agency.

3. Upon receipt of the order pursuant to subparagraph 1. or the notice pursuant to subparagraph 2., or upon application of the obligor pursuant to the order, the payor, union, or employer shall enroll the minor child as a beneficiary in the group insurance plan and withhold any required premium from the obligor's income. If more than one plan is offered by the payor, union, or employer, the child shall be enrolled in the insurance plan in which the obligor is enrolled.

4. The Department of Revenue shall have the authority to adopt rules to implement the child support enforcement provisions of this section. The order is binding on the payor or union when service of the notice as provided in subparagraph 1. is made. Upon receipt of the order, or upon application of the obligor pursuant to the order, the payor or union shall enroll the minor child as a beneficiary in the group insurance plan and withhold any required premium from the obligor's income. If more than one plan is offered by the payor or union, the child shall be enrolled in the insurance plan in which the obligor is enrolled or the least costly plan otherwise available to the obligor.

(9)(a) Beginning July 1, 1997, each party to any paternity or child support proceeding is required to file with the tribunal as defined in s. 88.1011(22) and State Case Registry upon entry of an order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer. Beginning October 1, 1998, each party to any paternity or child support proceeding in a non-Title IV-D case shall meet the above requirements for updating the tribunal and State Case Registry.

(b) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(c) Beginning July 1, 1997, in any subsequent Title IV-D child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the tribunal may deem state due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the tribunal and State Case Registry pursuant to paragraph (a). Beginning October 1, 1998, in any subsequent non-Title IV-D child support enforcement action between the parties, the same requirements for service shall apply.

(10) At the time an order for child support is entered, each party is required to provide his or her social security number to the court if this

information has not previously been provided. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 4. Section 61.1301, Florida Statutes, 1996 Supplement, is amended to read:

61.1301 ~~Income deduction orders.~~—

~~(1) REQUIREMENT FOR INCOME DEDUCTION AS PART OF ISSUANCE IN CONJUNCTION WITH AN ORDER ESTABLISHING, ENFORCING, OR MODIFYING AN OBLIGATION FOR ALIMONY OR CHILD SUPPORT.~~—

(a) Upon the entry of an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support, the court shall include provisions enter a separate order for income deduction of the alimony and/or child support in the order if one has not been entered. Copies of the orders shall be served on the obligee and obligor. ~~If The order establishing, enforcing, or modifying the obligation shall direct~~ directs that payments be made through the depository.⁵ The court shall provide to the depository a copy of the order establishing, enforcing, or modifying the obligation. If the obligee is a IV-D applicant, the court shall furnish to the IV-D agency a copy ~~copies~~ of the ~~income deduction order and the order~~ income deduction order and the order establishing, enforcing, or modifying the obligation.

1. The income deduction shall be implemented by serving an income deduction notice upon the payor.

2. If a support order entered before October 1, 1996, in a non-Title IV-D case does not specify income deduction, income deduction may be initiated upon a delinquency without the need for any amendment to the support order or any further action by the court. In such case the obligee may implement income deduction by serving a notice of delinquency on the obligor as provided for under subparagraph (f).

(b) Provisions for income deduction. ~~The income deduction order entered pursuant to paragraph (a) shall:~~

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

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

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

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

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

(c) The income deduction ~~order~~ is effective immediately unless the court upon good cause shown finds that ~~the income deduction order shall be effective upon a delinquency in an amount specified by the court but not to exceed equal to 1 month's payment pursuant to the order establishing, enforcing, or modifying the obligation.~~ In order to find good cause, the court must at a minimum make written findings that:

1. Explain why implementing immediate income deduction would not be in the child's best interest;

2. There is proof of timely payment of the previously ordered obligation without an income deduction order in cases of modification; and

3.a. There is an agreement by the obligor to advise the IV-D agency and court depository of any change in payor and health insurance; or

b. There is a signed written agreement providing an alternative arrangement between the obligor and the obligee and, at the option of the IV-D agency, by the IV-D agency in IV-D cases in which there is an assignment of support rights to the state, reviewed and entered in the record by the court.

(d) The income deduction ~~order shall be effective so long as the order upon which it is based is effective or until further order of the court.~~

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

1. All fees or interest which shall be imposed.

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

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

4. That a copy of the income deduction notice order will be served on the obligor's payor or payors.

5. That enforcement of the income deduction notice order may only be contested on the ground of mistake of fact regarding the amount owed pursuant to the order establishing, enforcing, or modifying the obligation, the arrearages, or the identity of the obligor.

6. That the obligor is required to notify the obligee and, when the obligee is receiving IV-D services, the IV-D agency within 7 days of changes in the obligor's address, payors, and the addresses of his or her payors.

(f) Notice of delinquency. When the court orders the income deduction to be effective upon a delinquency as provided in subparagraph (a)2. or paragraph (c) in an amount equal to 1 month's payment pursuant to the order establishing, enforcing, or modifying the obligation, the obligee may enforce the income deduction by serving a notice of delinquency on the obligor.

1. The notice of delinquency shall state:

a. The terms of the order establishing, enforcing, or modifying the obligation.

b. The period of delinquency and the total amount of the delinquency as of the date the notice is mailed.

c. All fees or interest which may be imposed.

d. The total amount of income to be deducted for each pay period until the arrearage, and all applicable fees and interest, is paid in full and shall state the total amount of income to be deducted for each pay period thereafter. The amounts deducted may not be in excess of that allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended.

e. That the income deduction notice order applies to current and subsequent payors and periods of employment.

f. That a copy of the notice of delinquency will be served on the obligor's payor or payors, together with a copy of the income deduction notice order, unless the obligor applies to the court to contest enforcement of the income deduction order. The application shall be filed within 15 days after the date the notice of delinquency was served.

g. That ~~the~~ enforcement of the income deduction notice order may only be contested on the ground of mistake of fact regarding the amount owed pursuant to the order establishing, enforcing, or modifying the obligation, the amount of arrearages, or the identity of the obligor.

h. That the obligor is required to notify the obligee of the obligor's current address and current payors and of the address of current payors. All changes

shall be reported by the obligor within 7 days. If the IV-D agency is enforcing the order, the obligor shall make these notifications to the agency instead of to the obligee.

2. The failure of the obligor to receive the notice of delinquency does not preclude subsequent service of the income deduction ~~order~~ on the obligor's payor. A notice of delinquency which fails to state an arrearage does not mean that an arrearage is not owed.

(g) At any time, any party, including the IV-D agency, may apply to the court to:

1. Modify, suspend, or terminate the ~~order for income deduction~~ notice in accordance with ~~because of~~ a modification, suspension, or termination of the support provisions in the underlying order; or

2. Modify the amount of income deducted when the arrearage has been paid.

(2) ENFORCEMENT OF INCOME DEDUCTION ~~ORDERS~~.—

(a) The obligee or his or her agent shall serve an income deduction ~~order~~ ~~and the notice to payor~~, and in the case of a delinquency a notice of delinquency, on the obligor's payor unless the obligor has applied for a hearing to contest the enforcement of the income deduction ~~order~~ pursuant to paragraph (c).

(b)1. Service by or upon any person who is a party to a proceeding under this section shall be made in the manner prescribed in the Florida Rules of Civil Procedure for service upon parties.

2. Service upon an obligor's payor or successor payor under this section shall be made by prepaid certified mail, return receipt requested, or in the manner prescribed in chapter 48.

(c)1. The obligor, within 15 days after service of a notice of delinquency, may apply for a hearing to contest the enforcement of the income deduction ~~order~~ on the ground of mistake of fact regarding the amount owed pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support, the amount of the arrearage, or the identity of the obligor. The obligor shall send a copy of the pleading to the obligee and, if the obligee is receiving IV-D services, to the IV-D agency. The timely filing of the pleading shall stay the service of an income deduction notice ~~order~~ on all payors of the obligor until a hearing is held and a determination is made as to whether ~~the~~ enforcement of the income deduction order is proper. The payment of a delinquent obligation by an obligor upon issuance ~~entry~~ of an income deduction notice ~~order~~ shall not preclude service of the income deduction notice ~~order~~ on the obligor's payor.

2. When an obligor timely requests a hearing to contest enforcement of ~~an~~ income deduction ~~order~~, the court, after due notice to all parties and the IV-D agency if the obligee is receiving IV-D services, shall hear the matter

within 20 days after the application is filed. The court shall enter an order resolving the matter within 10 days after the hearing. A copy of this order shall be served on the parties and the IV-D agency if the obligee is receiving IV-D services. If the court determines that service of an income deduction notice order is proper, it shall specify the date the income deduction notice order must be served on the obligor's payor.

(d) When a court determines that an income deduction notice order is proper pursuant to paragraph (c), the obligee or his or her agent shall cause a copy of the notice of delinquency to be served on the obligor's payors. A copy of the income deduction notice to the payor, and in the case of a delinquency a notice of delinquency, shall also be furnished to the obligor.

(e) Income deduction notice. The income deduction notice to payor shall contain only information necessary for the payor to comply with the order providing for income deduction order. The notice shall:

1. Provide the obligor's social security number.
2. Require the payor to deduct from the obligor's income the amount specified in the order providing for income deduction order, and in the case of a delinquency the amount specified in the notice of delinquency, and to pay that amount to the obligee or to the depository, as appropriate. The amount actually deducted plus all administrative charges shall not be in excess of the amount allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b);
3. Instruct the payor to implement the income deduction order no later than the first payment date which occurs more than 14 days after the date the income deduction notice order was served on the payor, and the payor shall conform the amount specified in the income deduction order to the obligor's pay cycle;
4. Instruct the payor to forward, within 2 days after each date the obligor is entitled to payment from the payor, to the obligee or to the depository the amount deducted from the obligor's income, a statement as to whether the amount totally or partially satisfies the periodic amount specified in the income deduction notice order, and the specific date each deduction is made. If the IV-D agency is enforcing the order, the payor shall make these notifications to the agency instead of the obligee;
5. Specify that if a payor fails to deduct the proper amount from the obligor's income, the payor is liable for the amount the payor should have deducted, plus costs, interest, and reasonable attorney's fees;
6. Provide that the payor may collect up to \$5 against the obligor's income to reimburse the payor for administrative costs for the first income deduction and up to \$2 for each deduction thereafter;
7. State that the income deduction order and the notice to payor, and in the case of a delinquency the notice of delinquency, are binding on the payor until further notice by the obligee, IV-D agency, or the court or until the payor no longer provides income to the obligor;

8. Instruct the payor that, when he or she no longer provides income to the obligor, he or she shall notify the obligee and shall also provide the obligor's last known address and the name and address of the obligor's new payor, if known; and that, if the payor violates this provision, the payor is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation. If the IV-D agency is enforcing the order, the payor shall make these notifications to the agency instead of to the obligee. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction order;

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

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

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

12. Inform the payor that, when the payor he or she receives income deduction notices orders requiring that the income of two or more obligors be deducted and sent to the same depository, the payor may combine the amounts that are to be paid to the depository in a single payment as long as the payments attributable to each obligor are clearly identified; and

13. Inform the payor that if the payor receives more than one income deduction notice order against the same obligor, the payor shall contact the court for further instructions. Upon being so contacted, the court shall allocate amounts available for income deduction as provided in subsection (4).

(f) At any time ~~an~~ income deduction ~~order~~ is being enforced, the obligor may apply to the court for a hearing to contest the continued enforcement of the income deduction ~~order~~ on the same grounds set out in paragraph (c), with a copy to the obligee and, in IV-D cases, to the IV-D agency. The application does not affect the continued enforcement of the income deduction ~~order~~ until the court enters an order granting relief to the obligor. The obligee or the IV-D agency is released from liability for improper receipt of moneys pursuant to ~~an~~ income deduction ~~order~~ upon return to the appropriate party of any moneys received.

(g) An obligee or his or her agent shall enforce income deduction ~~orders~~ against an obligor's successor payor who is located in this state in the same manner prescribed in this section for the enforcement of an income deduction order against a payor.

(h)1. When ~~an~~ income deduction order is to be enforced against a payor located outside the state, the obligee who is receiving IV-D services or his or her agent shall promptly request the agency responsible for income deduction in the other state to enforce the income deduction order. The request shall contain all information necessary to enforce the income deduction order, including the amount to be periodically deducted, a copy of the order establishing, enforcing, or modifying the obligation, and a statement of arrearages, if applicable.

2. When the IV-D agency is requested by the agency responsible for income deduction in another state to enforce ~~an~~ income deduction order against a payor located in this state for the benefit of an obligee who is being provided IV-D services by the agency in the other state, the IV-D agency shall act promptly pursuant to the applicable provisions of this section.

3. When an obligor who is subject to ~~an~~ income deduction order enforced against a payor located in this state for the benefit of an obligee who is being provided IV-D services by the agency responsible for income deduction in another state terminates his or her relationship with his or her payor, the IV-D agency shall notify the agency in the other state and provide it with the name and address of the obligor and the address of any new payor of the obligor, if known.

4.a. The procedural rules and laws of this state govern the procedural aspects of income deduction ~~orders~~ whenever the agency responsible for income deduction in another state requests the enforcement of an income deduction order in this state.

b. Except with respect to when withholding must be implemented, which is controlled by the state where the order establishing, enforcing, or modifying the obligation was entered, the substantive law of this state shall apply whenever the agency responsible for income deduction in another state requests the enforcement of an income deduction ~~order~~ in this state.

c. When the IV-D agency is requested by an agency responsible for income deduction in another state to implement income deduction against a payor located in this state for the benefit of an obligee who is being provided IV-D services by the agency in the other state or when the IV-D agency in this state initiates an income deduction request on behalf of an obligee receiving IV-D services in this state against a payor in another state, the IV-D agency shall file the interstate income deduction documents, or an affidavit of such request when the income deduction documents are not available, with the depository and if the IV-D agency in this state is responding to a request from another state, provide copies to the payor and obligor in accordance with subsection (1). The depository created pursuant to s. 61.181 shall accept the interstate income deduction documents or affidavit and shall establish an account for the receipt and disbursement of child support or child support and alimony payments ~~or child support payments~~

~~in accordance with s. 61.181~~ and advise the IV-D agency of the account number in writing within 2 days after receipt of the documents or affidavit.

(i) Certified copies of payment records maintained by a depository shall, without further proof, be admitted into evidence in any legal proceeding in this state.

(j)1. A person may not discharge, refuse to employ, or take disciplinary action against an employee because of the enforcement of ~~an~~ an income deduction ~~order~~. An employer who violates this subsection is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction order, if any alimony or child support is owing. If no alimony or child support is owing, the penalty shall be paid to the obligor.

2. An employee may bring a civil action in the courts of this state against an employer who refuses to employ, discharges, or otherwise disciplines an employee because of ~~an~~ an income deduction ~~order~~. The employee is entitled to reinstatement and all wages and benefits lost plus reasonable attorney's fees and costs incurred.

(k) When a payor no longer provides income to an obligor, he or she shall notify the obligee and, if the obligee is a IV-D applicant, the IV-D agency and shall also provide the obligor's last known address and the name and address of the obligor's new payor, if known. A payor who violates this subsection is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for a subsequent violation. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction ~~order~~.

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

(4) When there is more than one income deduction notice ~~order~~ against the same obligor, the court shall allocate amounts available for income deduction among all obligee families as follows:

(a) For computation purposes, the court shall convert all obligations to a common payroll frequency and determine the percentage of deduction allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended. The court shall determine the amount of income available for deduction by multiplying that percentage figure by the obligor's net income and determine the sum of all of the support obligations.

(b) If the sum of the support obligations is less than the amount of income available for deduction, the court shall order that the full amount of each obligation shall be deducted.

(c) If the sum of the support obligations is greater than the amount of income available for deduction, the court shall determine a prorated percentage for each support obligation by dividing each obligation by the sum total of all the support obligations. The court shall then determine the

prorated deduction amount for each support obligation by multiplying the prorated percentage for each support obligation by the amount of income available for deduction. The court shall then order that the resultant amount for each support obligation shall be deducted from the obligor's income.

Section 5. Section 61.13016, Florida Statutes, is amended to read:

61.13016 Suspension of driver's licenses and motor vehicle registrations.—

(1) The driver's license and motor vehicle registration of a child support obligor who is delinquent in payment or who has failed to comply with subpoenas or a similar order to appear or show cause relating to paternity or child support proceedings may be suspended. Upon a delinquency in child support or failure to comply with a subpoena, order to appear, order to show cause, or similar order in IV-D cases, the Title IV-D agency may provide ~~serve notice to~~ on the obligor of the delinquency or failure to comply with a subpoena, order to appear, order to show cause, or similar order and the intent to suspend by regular United States mail that is posted to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles as provided under s. 322.245. Upon a delinquency in child support in non-IV-D cases, and upon the request of the obligee, the depository or the clerk of the court must provide ~~serve notice to~~ by certified mail, return receipt requested, ~~on~~ the obligor of the delinquency and the intent to suspend by regular United States mail that is posted to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles as provided under s. 322.245. In either case, the notice must state:

(a) The terms of the order creating the child support obligation;

(b) The period of the delinquency and the total amount of the delinquency as of the date of the notice or describe the subpoena, order to appear, order to show cause, or other similar order which has not been complied with;

(c) ~~That notification will be given to~~ The intent of the Title IV-D agency in IV-D cases or the depository or clerk of the court in non-IV-D cases to notify the Department of Highway Safety and Motor Vehicles to suspend the obligor's driver's license and motor vehicle registration unless, within 20 15 days after the date receipt of the notice is mailed the obligor:

1.a. Pays the delinquency in full;

b.2. Enters into a written agreement for payment with the obligee in non-IV-D cases or with the Title IV-D agency in IV-D cases; or in IV-D cases, complies with a subpoena or order to appear, order to show cause, or a similar order; or

c.3. Files a petition with the circuit court to contest the delinquency action; and.

2. Pays any applicable delinquency fees.

If the obligor in non-IV-D cases enters into a written agreement for payment ~~before prior to~~ the expiration of the ~~20-day 15-day~~ period, he must provide a copy of the signed written agreement to the depository or the clerk of the court.

(2) If the obligor does not, within ~~20 15~~ days after the mailing date on receipt of the notice, pay the delinquency, enter into a payment agreement, comply with the subpoena, order to appear, order to show cause, or other similar order, or file a motion to contest, the Title IV-D agency in IV-D cases, or the depository or clerk of the court in non-IV-D cases shall file the notice with the Department of Highway Safety and Motor Vehicles and request the suspension of the obligor's driver's license and motor vehicle registration in accordance with s. 322.058.

(3) The obligor may, within ~~20 15~~ days after the mailing date on the receipt of a notice of delinquency or noncompliance and intent to suspend, file in the circuit court a petition to contest the notice of delinquency or noncompliance and intent to suspend on the ground of mistake of fact regarding the existence of a delinquency or the identity of the obligor. The obligor must serve a copy of the petition on the Title IV-D agency in IV-D cases or depository or clerk of the court in non-IV-D cases. When an obligor timely files a petition to contest, the court must hear the matter within 15 days after the petition is filed. The court must enter an order resolving the matter within 10 days after the hearing, and a copy of the order must be served on the parties. The timely filing of a petition to contest stays the notice of delinquency and intent to suspend until the entry of a court order resolving the matter.

~~(4) The Title IV-D agency shall submit a report that describes the measured results and effectiveness of the driver's license suspension process set forth in this section for IV-D cases to the Senate and the House of Representatives by February 1, 1997.~~

Section 6. Section 61.1354, Florida Statutes, is amended to read:

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

(1) Upon receipt of a request from a consumer reporting agency as defined in section 603(f) of the Fair Credit Reporting Act, the IV-D agency or the depository in non-Title-IV-D cases shall make available information relating to the amount of overdue support owed by an obligor ~~when the amount exceeds \$500.~~

(2) The IV-D agency or the depository in non-Title-IV-D cases shall give the obligor written notice, at least 15 days prior to the release of information, of the IV-D agency's or depository's authority to release information to consumer reporting agencies relating to the amount of overdue support owed by the obligor. The obligor shall be informed of his or her right to request a hearing with the IV-D agency or the court in non-Title-IV-D cases to contest the accuracy of the information.

(2) The IV-D agency shall report periodically to appropriate credit reporting agencies, as identified by the IV-D agency, the name and social security number of any delinquent obligor and the amount of overdue support owed by the obligor. The IV-D agency, or its designee, shall provide the obligor with written notice at least 15 days prior to the release of information, of the IV-D agency's authority to release the information to the consumer reporting agencies. The notice shall state the amount of overdue support owed and shall inform the obligor of the right to request a hearing with the IV-D agency or the court in non-Title-IV-D cases to contest the accuracy of the information.

(3) For purposes of determining an individual's income and establishing an individual's capacity to make child support payments or for determining the appropriate amount of such payment by the individual, consumer reporting agencies shall provide, upon request, consumer reports to the head of the IV-D agency pursuant to section 604 of the Fair Credit Reporting Act, provided that the head of IV-D agency, or its designee certifies that:

(a) The consumer report is needed for the purpose of determining an individual's income and establishing an individual's capacity to make child support payments or determining the appropriate amount of such payment by the individual;

(b) Paternity of the child of the individual whose report is sought, if that individual is the father of the child, has been established or acknowledged pursuant to the laws of Florida;

(c) The individual whose report is sought was provided with at least 15 days' prior notice, by certified or registered mail to the individual's last known address, that the report was requested; and

(d) The consumer report will be used solely for the purpose described in paragraph (a).

(4) For purposes of setting an initial or modified child support order, consumer reporting agencies shall provide, upon request, consumer reports to the IV-D agency.

(5) The Department of Revenue is authorized to adopt rules necessary to implement this section.

Section 7. Subsection (1) and paragraph (b) of subsection (6) of section 61.14, Florida Statutes, are amended, paragraph (f) of subsection (6) of said section is redesignated as paragraph (g) and a new paragraph (f) is added and subsection (8) is added to said section to read:

61.14 Enforcement and modification of support, maintenance, or alimony agreements or orders.—

(1)(a) When the parties enter into an agreement for payments for, or instead of, support, maintenance, or alimony, whether in connection with a proceeding for dissolution or separate maintenance or with any voluntary property settlement, or when a party is required by court order to make any

payments, and the circumstances or the financial ability of either party changes or the child who is a beneficiary of an agreement or court order as described herein reaches majority after the execution of the agreement or the rendition of the order, either party may apply to the circuit court of the circuit in which the parties, or either of them, resided at the date of the execution of the agreement or reside at the date of the application, or in which the agreement was executed or in which the order was rendered, for an order decreasing or increasing the amount of support, maintenance, or alimony, and the court has jurisdiction to make orders as equity requires, with due regard to the changed circumstances or the financial ability of the parties or the child, decreasing, increasing, or confirming the amount of separate support, maintenance, or alimony provided for in the agreement or order. A finding that medical insurance is reasonably available or the child support guidelines in s. 61.30 may constitute changed circumstances.

(b) In Title IV-D cases reviewed pursuant to the 3-year review and adjustment cycle, no substantial change of circumstance need be proven to warrant a modification.

(c) The department shall have authority to adopt rules to implement this section.

(6)

(b)1. When an obligor is 15 days delinquent in making a payment or installment of support, the local depository shall serve notice on the obligor informing him or her of:

a. The delinquency and its amount.

b. An impending judgment by operation of law against him or her in the amount of the delinquency and all other amounts which thereafter become due and are unpaid, together with costs and a fee of \$5, for failure to pay the amount of the delinquency.

c. The obligor's right to contest the impending judgment and the ground upon which such contest can be made.

d. The local depository's authority to release information regarding the delinquency to one or more credit reporting agencies.

2. The local depository shall serve the notice by mailing it by first class mail certified mail, return receipt requested to the obligor at his or her last address of record with the local depository. If the obligor has no address of record with the local depository, service shall be by publication as provided in chapter 49.

3. When service of the notice is made by mail, service is complete on the date of mailing.

(8) Notwithstanding the provisions of s. 440.22, any compensation due or that may become due an employee under chapter 440 is exempt from garnishment, attachment, execution, and assignment of income, except for the purposes of enforcing child or spousal support obligations.

Section 8. Subsection (1) and paragraph (a) of subsection (3) of section 61.181, Florida Statutes, 1996 Supplement, are amended to read:

61.181 Central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; fees.—

(1) The office of the clerk of the court shall operate a depository unless the depository is otherwise created by special act of the Legislature or unless, prior to June 1, 1985, a different entity was established to perform such functions. The department shall, no later than July 1, ~~1998~~ 1997, extend participation in the federal child support cost reimbursement program to the central depository in each county, to the maximum extent possible under existing federal law. The depository shall receive reimbursement for services provided under a cooperative agreement with the department as provided by federal law.

(3)(a) The depository shall collect and distribute all support payments paid into the depository to the appropriate party. On or after July 1, ~~1998~~ 1997, if a payment is made which is not accompanied by the required transaction fee, the depository shall not deduct any moneys from the support payment for payment of the fee. Nonpayment of the required fee shall be considered a delinquency, and when the total of fees and costs which are due but not paid exceeds \$50, the judgment by operation of law process set forth in s. 61.14(6)(a) shall become applicable and operational. As part of its collection and distribution functions, the depository shall maintain records listing:

1. The obligor's name, address, social security number, place of employment, and any other sources of income.
2. The obligee's name, address, and social security number.
3. The amount of support due as provided in the court order.
4. The schedule of payment as provided in the court order.
5. The actual amount of each support payment received, the date of receipt, the amount disbursed, and the recipient of the disbursement.
6. The unpaid balance of any arrearage due as provided in the court order.
7. Other records as necessary to comply with federal reporting requirements.

Section 9. Effective June 1, 1997, subsection (1) of section 61.1812, Florida Statutes, is amended to read:

61.1812 Child Support Incentive Trust Fund.—

(1) The Child Support Incentive Trust Fund is hereby created, to be administered by the Department of Revenue. All child support enforcement incentive earnings and that portion of the state share of Title IV-A public

assistance collections recovered in fiscal year 1996-1997 by the title IV-D program of the department, which is in excess of the amount estimated by the February, 1997 Social Services Estimating Conference to be recovered in fiscal year 1996-1997, shall be credited to the trust fund, and no other receipts, except interest earnings, shall be credited thereto. For fiscal years 1997-1998 and 1998-1999, in addition to incentive earnings and interest earnings, that portion of the state share of Title IV-A public assistance collections recovered in each fiscal year by the Title IV-D program of the department, which is in excess of the amount estimated by the February, 1997 Social Services Estimating Conference to be recovered in fiscal year 1997-1998, shall be credited to the trust fund. The purpose of the trust fund is to account for federal incentive payments to the state for child support enforcement and to support the activities of the child support enforcement program under Title IV-D of the Social Security Act. The department shall invest the money in the trust fund pursuant to ss. 215.44-215.52, and retain all interest earnings in the trust fund. The department shall separately account for receipts credited to the trust fund.

Section 10. Section 61.1814, Florida Statutes, 1996 Supplement, is amended to read:

61.1814 Child Support Enforcement Application and Program Revenue User Fee Trust Fund.—The Child Support Enforcement Application and Program Revenue User Fee Trust Fund is hereby created, to be administered by the Department of Revenue. The fund shall be used for the deposit of application fees of nonpublic assistance non-AFDC applicants for child support enforcement services and fines imposed under ss. 409.2564(8) and 409.2578. Moneys deposited from fines imposed under ss. 409.2564(8) and 409.2578 shall be maintained separately from moneys deposited from application fees.

Section 11. Paragraph (b) of subsection (1), subsection (2), and paragraphs (b) and (f) of subsection (11) and subsection (16) of section 61.30, Florida Statutes, 1996 Supplement, are amended, paragraph (c) is added to subsection (1) of said section, and subsection (17) is added to said section to read:

61.30 Child support guidelines; retroactive child support.—

(1)

(b) The guidelines may provide the basis for proving a substantial change in circumstances upon which a modification of an existing order may be granted. However, the difference between the existing monthly obligation order and the amount provided for under the guidelines shall be at least 15 percent or \$50, whichever amount is greater, before the court may find that the guidelines provide a substantial change in circumstances.

(c) In Title IV-D cases reviewed pursuant to the 3-year review and adjustment cycle, no change of circumstance need be proven to warrant a modification.

(2) Income shall be determined on a monthly basis for the obligor and for the obligee as follows:

(a) Gross income shall include, but is not limited to, the following items:

1. Salary or wages.
2. Bonuses, commissions, allowances, overtime, tips, and other similar payments.
3. Business income from sources such as self-employment, partnership, close corporations, and independent contracts. "Business income" means gross receipts minus ordinary and necessary expenses required to produce income.
4. Disability benefits.
5. Worker's compensation.
6. Unemployment compensation.
7. Pension, retirement, or annuity payments.
8. Social security benefits.
9. Spousal support received from a previous marriage or court ordered in the marriage before the court.
10. Interest and dividends.
11. Rental income, which is gross receipts minus ordinary and necessary expenses required to produce the income.
12. Income from royalties, trusts, or estates.
13. Reimbursed expenses or in kind payments to the extent that they reduce living expenses.
14. Gains derived from dealings in property, unless the gain is nonrecurring.

(b) Income on a monthly basis shall be imputed to an unemployed or underemployed parent when such employment or underemployment is found to be voluntary on that parent's part, absent physical or mental incapacity or other circumstances over which the parent has no control. In the event of such voluntary unemployment or underemployment, the employment potential and probable earnings level of the parent shall be determined based upon his or her recent work history, occupational qualifications, and prevailing earnings level in the community; however, the court may refuse to impute income to a primary residential parent if the court finds it necessary for the parent to stay home with the child.

(c) Public assistance as defined in s. 409.2554 ~~Temporary assistance under the WAGES Program~~ shall be excluded from gross income.

(11) The court may adjust the minimum child support award, or either or both parent's share of the minimum child support award, based upon the following considerations:

(b) Independent income of the child, not to include moneys received by a child from supplemental security income.

(f) Special needs, such as costs that may be associated with the disability of a child, that have traditionally been met within the family budget even though the fulfilling of those needs will cause the support to exceed the proposed guidelines.

(16) The Legislature shall review the guidelines established in this section at least every 4 years beginning in, and shall review the guidelines in 1997.

(17) In an initial determination of child support, whether in a paternity action, dissolution of marriage action, or petition for support during the marriage, the court has discretion to award child support retroactive to the date when the parents did not reside together in the same household with the child, regardless of whether that date precedes the filing of the petition. In determining the retroactive award in such cases, the court shall consider the following:

(a) The court shall apply the guidelines in effect at the time of the hearing subject to the obligor's demonstration of his or her actual income, as defined by s. 61.30(2), during the retroactive period. Failure of the obligor to so demonstrate, shall result in the court using the obligor's income at the time of the hearing, in computing child support for the retroactive period.

(b) All actual payments made by the noncustodial parent to the custodial parent or the child or third parties for the benefit of the child throughout the proposed retroactive period.

(c) The court should consider an installment payment plan for the payment of retroactive child support.

Section 12. The Office of Program Policy Analysis and Government Accountability, through its staff or by contract with a vendor, is directed to study and analyze case data, gathered through a statistically valid random sample of child support enforcement orders established in IV-D cases on or after July 1, 1993, on the application of, and deviations from, the child support guidelines under s. 61.30. The office shall report its findings to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice, no later than January 31, 1998.

Section 13. Subsections (7), (16), and (19) of section 88.1011, Florida Statutes, 1996 Supplement, are amended to read:

88.1011 Definitions.—As used in this act:

(7) "Initiating state" means a state from ~~in~~ which a proceeding is ~~for~~ forwarded or in which a proceeding is filed for forwarding to a responding state

under this act or a law or procedure substantially similar to this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act ~~is filed for forwarding to a responding state.~~

(16) “Responding state” means a state in to which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this act or a law or procedure substantially similar to this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

(19) “State” means a state of the United States, the District of Columbia, ~~the Commonwealth of Puerto Rico, the United States Virgin Islands,~~ or any territory or insular possession subject to the jurisdiction of the United States. The term “state” includes:

(a) An Indian tribe; and ~~includes~~

(b) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, as determined by the Attorney General.

Section 14. The catchline of section 88.1021, Florida Statutes, 1996 Supplement, is amended to read:

88.1021 Tribunal of ~~this~~ state.—

Section 15. The catchline of section 88.2031, Florida Statutes, 1996 Supplement, is amended to read:

88.2031 Initiating and responding tribunal of ~~this~~ state.—

Section 16. Paragraph (b) of subsection (1), and subsections (2), (3), and (4) of section 88.2051, Florida Statutes, 1996 Supplement, are amended to read:

88.2051 Continuing exclusive jurisdiction.—

(1) A tribunal of this state issuing a support order consistent with the law of this state has continuing exclusive jurisdiction over a child support order:

(b) Until all of the parties who are individuals have each individual party has filed written consents ~~consent~~ with the tribunal of this state for a tribunal of another state to modify the order and assume continuing exclusive jurisdiction.

(2) A tribunal of this state issuing a child support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this act or a law substantially similar to this act.

(3) If a child support order of this state is modified by a tribunal of another state pursuant to this act or a law substantially similar to this act,

a tribunal of this state loses its continuing exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:

- (a) Enforce the order that was modified as to amounts accruing before the modification;
 - (b) Enforce nonmodifiable aspects of that order; and
 - (c) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.
- (4) A tribunal of this state shall recognize the continuing exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this act or a law substantially similar to this act.

Section 17. Section 88.2071, Florida Statutes, 1996 Supplement, is amended to read:

(Substantial rewording of section. See s. 88.2071, F.S., 1996 Supp., for present text.)

88.2071 Recognition of controlling child support order.—

(1) If a proceeding is brought under this act and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

(2) If a proceeding is brought under this act, and two or more child support orders have been issued by tribunals of this state or another state with regard to the same obligor and child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(a) If only one of the tribunals would have continuing, exclusive jurisdiction under this act, the order of that tribunal controls and must be so recognized.

(b) If more than one of the tribunals would have continuing, exclusive jurisdiction under this act, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

(c) If none of the tribunals would have continuing, exclusive jurisdiction under this act, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized.

(3) If two or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and must be so recognized under subsection (2). The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(4) The tribunal that issued the controlling order under subsection (1), subsection (2), or subsection (3) is the tribunal that has continuing, exclusive jurisdiction under s. 88.2051.

(5) A tribunal of this state which determines by order the identity of the controlling order under paragraph (2)(a) or (b) or which issues a new controlling order under paragraph (2)(c) shall state in that order the basis upon which the tribunal made its determination.

(6) Within 30 days after issuance of an order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issues of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

Section 18. Paragraph (g) of subsection (2) of section 88.3011, Florida Statutes, 1996 Supplement, is amended to read:

88.3011 Proceedings under this act.—

(2) This act provides for the following proceedings:

(g) Assertion of jurisdiction over nonresidents pursuant to ss. 88.2011-88.2021 ~~88.201-88.202.~~

Section 19. The catchline to section 88.3031, Florida Statutes, 1996 Supplement, is amended to read:

88.3031 Application of law of this state.—Except as otherwise provided by this act, a responding tribunal of this state:

Section 20. Section 88.3041, Florida Statutes, 1996 Supplement, is amended to read:

88.3041 Duties of initiating tribunal.—

(1) Upon the filing of a petition or comparable pleading authorized by this act, an initiating tribunal of this state shall forward three copies of the petition and its accompanying documents or a comparable pleading and its accompanying documents:

(a)(1) To the responding tribunal or appropriate support enforcement agency in the responding state; or

(b)(2) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(2) If a responding state has not enacted this act or a law or procedure substantially similar to this act, a tribunal of this state may issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal

may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

Section 21. Subsections (1) and (5) of section 88.3051, Florida Statutes, 1996 Supplement, are amended to read:

88.3051 Duties and powers of responding tribunal.—

(1) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to s. 88.3011(3), it shall cause the petition or comparable pleading to be filed and notify the petitioner ~~by first class mail~~ where and when it was filed.

(5) If a responding tribunal of this state issues an order under this act, the tribunal shall send a copy of the order ~~by first class mail~~ to the petitioner and the respondent and to the initiating tribunal, if any.

Section 22. Section 88.3061, Florida Statutes, 1996 Supplement, is amended to read:

88.3061 Inappropriate tribunal.—If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner ~~by first class mail~~ where and when the pleading was sent.

Section 23. Paragraphs (d) and (e) of subsection (2) of section 88.3071, Florida Statutes, 1996 Supplement, are amended to read:

88.3071 Duties of support enforcement agency.—

(2) A support enforcement agency that is providing services to the petitioner as appropriate shall:

(d) Within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice ~~by first class mail~~ to the petitioner.

(e) Within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication ~~by first class mail~~ to the petitioner.

Section 24. Section 88.5011, Florida Statutes, 1996 Supplement, is amended to read:

88.5011 Employer's receipt ~~Recognition~~ of income-withholding order of another state.—

(4) An income-withholding order issued in another state may be sent ~~by first class mail~~ to the person or entity defined as the obligor's employer under the income deduction law of this state or payor as defined by s. 61.046, without first filing a petition or comparable pleading or registering the order with a tribunal of this state. ~~Upon receipt of the order, the employer shall:~~

~~(a) Treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.~~

~~(b) Immediately provide a copy of the order to the obligor.~~

~~(c) Distribute the funds as directed in the withholding order.~~

~~(2) An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of this state. Section 88.6041 (choice of law) applies to the contest. The obligor shall give notice of the contest to any support enforcement agency providing services to the obligee and to:~~

~~(a) The person or agency designated to receive payments in the income-withholding order; or~~

~~(b) If no person or agency is designated, the obligee.~~

Section 25. Section 88.50211, Florida Statutes, is created to read:

88.50211 Employer's compliance with income-withholding order of another state.—

(1) Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(2) The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.

(3) Except as otherwise provided by subsection (4) and s. 88.5031, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order which specify:

(a) The duration and amount of periodic payments of current child support, stated as a sum certain;

(b) The person or agency designated to receive payments and the address to which the payments are to be forwarded;

(c) Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(d) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(e) The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(4) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(a) The employer's fee for processing an income-withholding order;

(b) The maximum amount permitted to be withheld from the obligor's income; and

(c) The times within which the employer must implement the withholding order and forward the child support payment.

Section 26. Section 88.5031, Florida Statutes, is created to read:

88.5031 Compliance with multiple income-withholding orders.—If the obligor's employer receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees.

Section 27. Section 88.5041, Florida Statutes, is created to read:

88.5041 Immunity from civil liability.—An employer who complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

Section 28. Section 88.5051, Florida Statutes, is created to read:

88.5051 Penalties for noncompliance.—An employer who willfully fails to comply with an income-withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

Section 29. Section 88.5061, Florida Statutes, is created to read:

88.5061 Contest by obligor.—

(1) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state in the same manner as if the order had been issued by a tribunal of this state. Section 88.6041, choice of law, applies to the contest.

(2) The obligor shall give notice of the contest to:

(a) A support enforcement agency providing services to the obligee;

(b) Each employer that has directly received an income-withholding order; and

(c) The person or agency designated to receive payments in the income-withholding order, or if no person or agency is designated, to the obligee.

Section 30. Section 88.5021, Florida Statutes, is transferred and renumbered as section 88.5071, Florida Statutes.

Section 31. Subsection (1) of section 88.6051, Florida Statutes, 1996 Supplement, is amended to read:

88.6051 Notice of registration of order.—

(1) When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. ~~Notice must be given by first class, certified, or registered mail or by any means of personal service authorized by the law of this state.~~ The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

Section 32. Subsections (1) and (3) of section 88.6061, Florida Statutes, 1996 Supplement, are amended to read:

88.6061 Procedure to contest validity or enforcement of registered order.—

(1) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within 20 days after ~~the date of mailing or personal service of~~ notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to s. 88.6071.

(3) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties ~~by first class mail~~ of the date, time, and place of the hearing.

Section 33. Section 88.6111, Florida Statutes, 1996 Supplement, is amended to read:

88.6111 Modification of child support order of another state.—

(1) After a child support order issued in another state has been registered in this state, the responding tribunal of this state may modify that order only if, s. 88.6131 does not apply and after notice and hearing, it finds that:

(a) The following requirements are met:

1. The child, the individual obligee, and the obligor do not reside in the issuing state;
2. A petitioner who is a nonresident of this state seeks modification; and
3. The respondent is subject to the personal jurisdiction of the tribunal of this state; or

(b) ~~An individual party or~~ The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state and all of the ~~individual parties who are individuals~~ individual parties who are individuals have filed a written ~~consents~~ consent in the issuing tribunal ~~for providing that~~ a tribunal of this state to ~~may~~ may modify the support order and assume continuing exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not

enacted a law or established procedures substantially similar to the procedures under this act, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.

(2) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

(3) A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If two or more tribunals have issued child support orders for the same obligor and child, the order that controls and must be so recognized under s. 88.2071 establishes the aspects of the support order which are nonmodifiable.

(4) On issuance of an order modifying a child support order issued in another state, a tribunal of this state becomes the tribunal of continuing exclusive jurisdiction.

~~(5) Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal which had continuing exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order has been registered.~~

Section 34. Section 88.6121, Florida Statutes, 1996 Supplement, is amended to read:

88.6121 Recognition of order modified in another state.—A tribunal of this state shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to this act or a law substantially similar to this act and, upon request, except as otherwise provided in this act, shall:

(1) Enforce the order that was modified only as to amounts accruing before the modification.

(2) Enforce only nonmodifiable aspects of that order.

(3) Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification.

(4) Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Section 35. Section 88.6131, Florida Statutes, is created to read:

88.6131 Jurisdiction to modify child support order of another state when individual parties reside in this state.—

(1) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdic-

tion to enforce and to modify the issuing state's child support order in a proceeding to register that order.

(2) A tribunal of this state exercising jurisdiction under this section shall apply the provisions of parts I and II, this part and the procedural and substantive law of this state to the proceeding for enforcement or modification. Parts III through V, and parts VII and VIII do not apply.

Section 36. Section 88.6141, Florida Statutes, is created to read:

88.6141 Notice to issuing tribunal of modifications.—Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing exclusive jurisdiction.

Section 37. Subsection (1) of section 88.7011, Florida Statutes, 1996 Supplement, is amended to read:

88.7011 Proceeding to determine parentage.—

(1) A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under this act or a law or procedure substantially similar to this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

Section 38. Section 88.9051, Florida Statutes, is created to read:

88.9051 Authority to adopt rules.—The department shall have the authority to adopt rules to implement this chapter.

Section 39. Subsection (15) of section 213.053, Florida Statutes, 1996 Supplement, as amended by chapters 95-272 and 96-406, Laws of Florida, is amended to read:

213.053 Confidentiality and information sharing.—

(15) The department may disclose confidential taxpayer information location information limited to the names and addresses contained in returns, reports, accounts, or declarations filed with the department by persons subject to any state or local a tax enumerated in s. 213.05 to the Division of Child Support Enforcement to assist in the location of parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act, their assets, their income, and their employer. Additionally, the department may disclose asset information limited to the number of units, value, and description of all intangible personal property contained in returns, reports, accounts, or declarations filed with the department by persons subject to the tax imposed in chapter 199 to the Division of Child

~~Support Enforcement to assist in the location of assets owned by parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act. Nothing in this subsection authorizes the disclosure of information if such disclosure is prohibited by federal law. Employees of the Division of Child Support Enforcement are bound by the same requirements of confidentiality and the same penalties for violation of the requirements as the department.~~

Section 40. Paragraph (a) of subsection (1) of section 231.17, Florida Statutes, 1996 Supplement, is amended to read:

231.17 Official statements of eligibility and certificates granted on application to those meeting prescribed requirements.—

(1) REQUIREMENTS.—

(a) Each person seeking certification pursuant to this chapter shall submit a completed application to the Department of Education and remit the fee required pursuant to s. 231.30. Applications submitted shall contain the applicant's social security number. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 41. Subsection (1) of section 320.05, Florida Statutes, 1996 Supplement, is amended to read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(1) Upon receipt of an application for the registration of a motor vehicle or mobile home, as herein provided for, the department shall register the motor vehicle or mobile home under the distinctive number assigned to such motor vehicle or mobile home by the department, which registration record shall be open to the inspection of the public during business hours. Information on a motor vehicle registration may not be made available to a person unless the person requesting the information furnishes positive proof of identification. The agency that furnishes a motor vehicle registration record shall record the name and address of any person other than a representative of a law enforcement agency who requests and receives information from a motor vehicle registration record and shall also record the name and address of the person who is the subject of the inquiry or other information identifying the entity about which information is requested. A record of each such inquiry must be maintained for a period of 6 months from the date upon which the information was released to the inquirer. Nothing in this section shall prohibit any financial institution, insurance company, motor vehicle dealer, licensee under chapter 493, attorney, or other agency which the department determines has the right to know from obtaining, for professional or business use only, information in such records from the department through any means of telecommunication pursuant to a code developed by the department providing all fees specified in subsection (2) have been paid.

The department shall disclose records or information to the child support enforcement agency to assist in the location of individuals who owe or potentially owe child support or to whom such an obligation is owed pursuant to Title IV-D of the Social Security Act.

Section 42. Paragraph (a) of subsection (1) of section 382.008, Florida Statutes, 1996 Supplement, is amended to read:

382.008 Death and fetal death registration.—

(1) A certificate for each death and fetal death which occurs in this state shall be registered with the local registrar of the district in which the death occurred within 5 days after such death and prior to final disposition or removal of the dead body or fetus from the state, and shall be registered by such registrar if it has been completed and filed in accordance with this chapter:

(a) The certificate of death or fetal death shall be in the form prescribed by the department, and shall include the decedent's social security number, if available;

Section 43. Subsection (1) and paragraph (b) of subsection (2) of section 382.013, Florida Statutes, are amended to read:

382.013 Certificate of birth; registration.—

(1) A certificate of birth for each live birth which occurs in this state shall be registered within 5 days after such birth with the local registrar of the district in which the birth occurred and shall be filed by the state office if it has been completed and registered in accordance with this section. The information regarding registered births shall be used for comparison with information in the state case registry, as defined in chapter 61.

(2)

(b) If the mother is not married at the time of birth, the person in charge of the institution or that person's designated representative shall, after giving notice, orally and in writing of the alternatives to, the legal consequences of, and the rights, including, if one parent is a minor, any rights afforded due to minority status, and responsibilities that arise from, signing an acknowledgment of paternity, give the mother and the person to be named as the father the consent affidavit provided for in paragraph (6)(b) as well as information provided by the Title IV-D agency established pursuant to s. 409.2557 regarding the benefits of voluntary establishment of paternity. The person in charge of the institution or the designated representative, when requested by the mother and the person to be named as the father, shall assist in the execution of said consent affidavit.

Section 44. Paragraph (a) of subsection (3) of section 402.308, Florida Statutes, is amended to read:

402.308 Issuance of license.—

(3) STATE ADMINISTRATION OF LICENSING.—In any county in which the department has the authority to issue licenses, the following procedures shall be applied:

(a) Application for a license or for a renewal of a license to operate a child care facility shall be made in the manner and on the forms prescribed by the department. The applicant's social security number shall be included on the form submitted to the department. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each applicant is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 45. The introductory paragraph of section 409.2554, Florida Statutes, 1996 Supplement, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2598 ~~409.2551-409.2597~~, the term:

Section 46. Section 409.25575, Florida Statutes, is created to read:

409.25575 Child support enforcement; privatization.—

(1) It is the intent of the Legislature to encourage the Department of Revenue to contract with private entities for the provision of child support enforcement services whenever such contracting is cost-effective.

(2) The department shall contract for the delivery, administration, or management of child support enforcement activities and other related services or programs, when appropriate. The department shall retain responsibility for the quality of contracted services and programs and shall ensure that services are delivered in accordance with applicable federal and state statutes and regulations.

(3)(a) The department shall establish a quality assurance program for the privatization of services. The quality assurance program must include standards for each specific component of these services. The department shall establish minimum thresholds for each component. Each program operated pursuant to contract must be evaluated annually by the department or by an objective competent entity designated by the department under the provisions of the quality assurance program. The evaluation must be financed from cost savings associated with the privatization of services. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the Minority leader of each house of the Legislature, and the Governor no later than January 31 of each year, beginning in 1999. The quality assurance program must be financed through administrative savings generated by this act.

(b) The department shall establish and operate a comprehensive system to measure and report annually the outcomes and effectiveness of the services that have been privatized. The department shall use these findings in

making recommendations to the Governor and the Legislature for future program and funding priorities in the child support enforcement system.

(4)(a) Any entity contracting to provide child support enforcement services under this section must comply with all statutory requirements and agency regulations in the provision of contractual services.

(b) Any entity contracting to provide child support enforcement services under this section must also participate in and cooperate with any federal program that will assist in the maximization of federal supports for these services, as directed by the department.

Section 47. Subsection (1) of section 409.2561, Florida Statutes, 1996 Supplement, is amended to read:

409.2561 Public assistance payments; reimbursement of obligation to department; assignment of rights; subrogation; medical and health insurance information.—

(1) Any payment of public assistance money made to, or for the benefit of, any dependent child creates an obligation in an amount equal to the amount of public assistance paid. If there has been a prior court order or final judgment of dissolution of marriage establishing an obligation of support, the obligation is limited to the amount provided by such court order or decree pursuant to the applicable child support guidelines in s. 61.30. The obligor shall discharge the reimbursement obligation. If the obligor fails to discharge the reimbursement obligation, the department may apply for a contempt order to enforce reimbursement for support furnished. The extraordinary remedy of contempt is applicable in child support enforcement cases because of the public necessity for ensuring that dependent children be maintained from the resources of their parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through the public assistance program. If there is no prior court order establishing an obligation of support, the court shall establish the liability of the obligor, if any, for reimbursement of public assistance moneys paid, by applying the child support guidelines in s. 61.30 for the public assistance period. Priority shall be given to establishing continuing reasonable support for the dependent child. The department may apply for modification of a court order on the same grounds as either party to the cause and shall have the right to settle and compromise actions brought pursuant to law.

Section 48. Effective October 1, 1997, subsection (1) of section 409.2564, Florida Statutes, 1996 Supplement, is amended and subsections (8), (9), (10), (11), (12), and (13) are added to said section, to read:

409.2564 Actions for support.—

(1) In each case in which regular support payments are not being made as provided herein, the department shall institute, within 30 days after determination of the obligor's reasonable ability to pay, action as is necessary to secure the obligor's payment of current support and any arrearage which may have accrued under an existing order of support. The department

shall notify the program attorney in the judicial circuit in which the recipient resides setting forth the facts in the case, including the obligor's address, if known, and the public assistance case number. Whenever applicable, the procedures established under the provisions of chapter 88, Uniform Interstate Family Support Act ~~Uniform Reciprocal Enforcement of Support~~, and chapter 61, Dissolution of Marriage; Support; Custody, and chapter 39, Proceedings Relating to Juveniles, may govern actions instituted under the provisions of this act, except that actions for support under chapter 39 brought pursuant to this act shall not require any additional investigation or supervision by the department.

(8) The director of the Title IV-D agency, or the director's designee, is authorized to subpoena financial and other information from any person necessary to establish, modify, or enforce a child support order. The agency is authorized to impose a fine for failure to comply with the subpoena.

(a) For the purpose of any investigation under this chapter, any designated employee may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

(b) Prior to imposition of a fine, the department shall issue a written notification of noncompliance. Failure to comply within 15 days of receipt of the written notification without good cause may result in the agency taking the following actions:

1. Imposition of an administrative fine of not more than \$500;

2. The application by the Title IV-D agency to the circuit court for an order compelling compliance with the subpoena. The person who is determined to be in noncompliance with the subpoena shall be liable for reasonable attorney's fees and costs associated with the department bringing this action upon showing by the department that the person failed to comply with the request without good cause.

(c) All fines collected pursuant to this section shall be made payable to the Child Support Enforcement Application Fee and Program Revenue Trust Fund.

(9) In cases in which support is subject to an assignment as required under s. 409.2561(2), the Title IV-D agency shall, upon providing notice to the obligor and obligee, direct the obligor or other payor to change the payee to the appropriate depository.

(10)(a) For the purpose of securing delinquent support, the Title IV-D agency may increase the amount of the monthly child support obligation to include amounts for delinquencies, subject to such conditions or limitations as set forth in paragraph (b).

(b) In child support obligations not subject to income deduction, the Title IV-D agency shall notify the obligor of his or her delinquency and of the department's intent to require an additional 20 percent of the monthly obligation amount to allow for collection of the delinquency unless, within 20 days, the obligor:

1. Pays the delinquency in full; or
2. Files a petition with the circuit court to contest the delinquency action.

(11) For the purposes of denial, revocation, or limitation of an individual's United States Passport, consistent with 42 U.S.C. s. 452(1)(k), the Title IV-D agency shall have procedures to certify to the Secretary of the United States Department of Health and Human Services, in the format and accompanied by such supporting documentation as the secretary may require, a determination that an individual owes arrearages of child support in an amount exceeding \$5,000. Said procedures shall provide that the individual be given notice of the determination and of the consequence thereof and that the individual shall be given an opportunity to contest the accuracy of the determination.

(12) The Title IV-D agency shall review support orders in IV-D cases at least every 3 years upon request by either party, or the agency in cases where there is an assignment of support to the state under s. 414.095(8), and may seek adjustment of the order if appropriate under the guidelines established in s. 61.30. Not less than once every 3 years the IV-D agency shall provide notice to the parties subject to the order informing them of their right to request a review and, if appropriate, an adjustment of the support order. Said notice requirement may be met by including appropriate language in the initial support order or any subsequent orders.

(13) The department shall have the authority to adopt rules to implement this section.

Section 49. Section 409.25641, Florida Statutes, is created to read:

409.25641 Procedures for processing interstate enforcement requests.—

(1) The Title IV-D agency shall respond within 5 business days to a request from another state to enforce a support order.

(2)(a) This request may be transmitted from the other state by electronic or other means; and

(b) Shall contain sufficient identifying information to allow comparison with the databases within the state which are available to the Title IV-D agency; and

(c) Shall constitute a certification by the requesting state; and

1. Of the amount of arrearage accrued under the order; and
2. That the requesting state has complied with all procedural due process requirements applicable to the case.

(3) If assistance is provided by the Title IV-D agency to another state as prescribed above, neither state shall consider the case to be transferred from the caseload of the other state to the caseload of the Title IV-D agency.

(4) The Title IV-D agency shall maintain a record of:

(a) The number of requests received;

(b) The number of cases for which the Title IV-D agency collected support in response to such a request; and

(c) The amount of such collected support.

(5) The department shall have authority to adopt rules to implement this section.

Section 50. Section 409.25645, Florida Statutes, 1996 Supplement, is amended to read:

409.25645 Administrative orders for genetic testing.—The department is authorized to ~~use institute one or more pilot programs using~~ administrative orders to require genetic testing in Title IV-D cases. In such cases the department or an authorized agent may issue an administrative order to a putative father who has not voluntarily submitted to genetic testing, directing him to appear for a genetic test to determine the paternity of a child, provided that the department shall have no authority to issue such an order in the absence of an affidavit of the child's mother stating that the putative father is or may be a parent of the child. The administrative order shall state:

(1) The type of genetic test that will be used.

(2) The date, time, and place to appear for the genetic test.

(3) That upon failure to appear for the genetic test, or refusal to be tested, the department shall file a petition in circuit court to establish paternity and support.

A copy of the affidavit which is the basis for the issuance of the administrative order shall be attached to the order. The administrative order is exempt from the hearing provisions in chapter 120, because the person to whom it is directed shall have an opportunity to object in circuit court in the event the department pursues the matter by filing a petition in circuit court. The department may serve the administrative order to appear for a genetic test by regular mail. In any case in which more than one putative father has been identified, the department may proceed under this section with respect to all putative fathers. If the department receives a request from another state Title IV-D agency to assist in the establishment of paternity, the department may cause an administrative order to appear for a genetic test to be served on a putative father who resides in Florida.

Section 51. Section 409.25656, Florida Statutes, 1996 Supplement, is amended to read:

409.25656 Garnishment.—

(1) If a person ~~has a child support obligation which is~~ is delinquent in paying a child support obligation subject to enforcement by the department as the state Title IV-D program, the executive director or his or her designee may give notice of past-due and/or overdue support ~~the amount of such delinquency~~ by registered mail to all persons who have in their possession or under their control any credits or personal property, including exclusive of wages, belonging to the delinquent child support obligor, or owing any debts to the delinquent child support obligor at the time of receipt by them of such notice. Thereafter, any person who has been notified may not transfer or make any other disposition, up to the amount provided for in the notice, of such credits, other personal property, or debts until the executive director or his or her designee consents to a transfer or disposition, or until 60 days after the receipt of such notice. ~~The notice provided for in this section may be renewed~~ If the delinquent obligor contests the intended levy in the circuit court or under chapter 120, the notice under this section shall remain in effect until final disposition of that circuit court or chapter 120 pending final resolution of that action. Any financial institution receiving such notice will maintain a right of set off for any transaction involving a debit card occurring on or before the date of receipt of such notice.

(2) Each person who is notified under this section must, within 5 days after receipt of the notice, advise the executive director or his or her designee of the credits, other personal property, or debts in their possession, under their control, or owed by them and must advise the executive director or designee within 5 days of coming into possession or control of any subsequent credits, personal property, or debts owed during the time prescribed by the notice. Any such person coming into possession or control of such subsequent credits, personal property, or debts shall not transfer or dispose of them during the time prescribed by the notice or until the department consents to a transfer owing them.

(3) During the last 30 days of the 60-day period set forth in subsection (1), the executive director or his or her designee may levy upon such credits, ~~other~~ personal property, or debts. The levy must be accomplished by delivery of a notice of levy by registered mail, upon receipt of which the person possessing the credits, other personal property, or debts shall transfer them to the department or pay to the department the amount owed to the ~~delinquent~~ obligor.

(4) A notice that is delivered under this section is effective at the time of delivery against all credits, other personal property, or debts of the ~~delinquent child support~~ obligor which are not at the time of such notice subject to an attachment, garnishment, or execution issued through a judicial process.

(5) The department is authorized to bring an action in circuit court for an order compelling compliance with any notice issued under this section.

(6) Any person acting in accordance with the terms of the notice or levy issued by the executive director or his or her designee is expressly discharged from any obligation or liability to the ~~delinquent~~ obligor with re-

spect to such credits, other personal property, or debts of the ~~delinquent~~ obligor affected by compliance with the notice of freeze or levy.

~~(7)(6)~~(a) Levy may be made under subsection (3) upon credits, other personal property, or debt of any person with respect to any past-due or over-due delinquent child support obligation only after the executive director or his or her designee has notified such person in writing of the intention to make such levy.

(b) Not less than 30 days before the day of the levy, the notice of intent to levy required under paragraph (a) must be given in person or sent by certified or registered mail to the person's last known address.

(c) The notice required in paragraph (a) must include a brief statement that sets forth ~~in simple and nontechnical terms~~:

1. The provisions of this section relating to levy and sale of property;
2. The procedures applicable to the levy under this section;
3. The administrative and judicial appeals available to the ~~delinquent~~ obligor with respect to such levy and sale, and the procedures relating to such appeals; and
4. The alternatives, if any, available to the ~~delinquent~~ obligor which could prevent levy on the property.

~~(8)(7)~~ An A delinquent child support obligor may contest the notice of intent to levy provided for under subsection ~~(7) (6)~~ by filing an action in circuit court. Alternatively, the ~~delinquent~~ obligor may file a petition under the applicable provisions of chapter 120. After an action has been initiated under chapter 120 to contest the notice of intent to levy, an action relating to the same levy may not be filed by the ~~delinquent~~ obligor in circuit court, and judicial review is exclusively limited to appellate review pursuant to s. 120.68. Also, after an action has been initiated in circuit court, an action may not be brought under chapter 120.

~~(9)(8)~~ An action may not be brought to contest a notice of intent to levy under chapter 120 or in circuit court, later than 21 days after the date of receipt of the notice of intent to levy.

~~(10)(9)~~ The department shall provide notice to the Comptroller, in electronic or other form specified by the Comptroller, listing the obligors for whom warrants are outstanding. Pursuant to subsection (1), the Comptroller shall, upon notice from the department, withhold all payments to any ~~delinquent child support~~ obligor who provides commodities or services to the state, leases real property to the state, or constructs a public building or public work for the state. The department may levy upon the withheld payments in accordance with subsection (3). Section 215.422 does not apply from the date the notice is filed with the Comptroller until the date the department notifies the Comptroller of its consent to make payment to the person or 60 days after receipt of the department's notice in accordance with subsection (1), whichever occurs earlier.

(11) The Department of Revenue has the authority to adopt rules to implement this section.

Section 52. Section 409.25657, Florida Statutes, is created to read:

409.25657 Requirements for financial institutions.—

(1) Definitions.—For purposes of this section, reference is made to 42 U.S.C. s. 669A:

(a) “Financial institution” means:

1. A depository institution, as defined in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. s. 1813(c));

2. An institution-affiliated party, as defined in section 3(u) of such act (12 U.S.C. s. 1813(u));

3. Any federal credit union or state credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. s. 1752), including an institution-affiliated party of such a credit union, as defined in section 206(r) of such act (12 U.S.C. s. 1786(r)); and

4. Any benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity authorized to do business in the state.

(b) An “account” means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account.

(2) The department shall develop procedures to enter into agreements with financial institutions doing business in the state, to develop and operate, in coordination with such financial institutions, a data match system, using automated data exchanges to the maximum extent feasible, in which each financial institution is required to provide for each calendar quarter the name, record address, social security number or other taxpayer identification number, and other identifying information for each noncustodial parent who maintains an account at such institution and who owes past-due support, as identified by the department by name and social security number or other taxpayer identification number.

(3) The department shall pay a reasonable fee to a financial institution for conducting the data match provided for in subsection (2), not to exceed the actual costs incurred by such financial institution.

(4) A financial institution shall not be liable to any person nor shall it be required to provide notice to its customers:

(a) For disclosure of any information as required under this section; or

(b) For encumbering or surrendering any assets held by such financial institution in response to a notice of lien or levy issued by the department; or

- (c) For disclosing any information in connection with a data match; or
- (d) For any other action taken in good faith to comply with the requirements of this section.
- (5) Any financial records obtained pursuant to this section may be disclosed only for the purpose of, and to the extent necessary in, establishing, modifying, or enforcing a child support obligation of such individual.
- (6) The Department of Revenue may adopt rules for establishing the procedures for automated data matches with financial institutions.

Section 53. Section 409.2567, Florida Statutes, 1996 Supplement, is amended to read:

409.2567 Services to individuals not otherwise eligible.—All ~~child support and paternity determination~~ services provided by the department shall be made available on behalf of all dependent children. Services shall be provided upon acceptance of public assistance or upon proper application filed with the department. The department shall adopt rules to provide for the payment of a \$25 application fee from each applicant who is not a public assistance recipient. The application fee shall be deposited in the Child Support Enforcement Application and User Fee Trust Fund within the Department of Revenue to be used for the Child Support Enforcement Program. The obligor is responsible for all administrative costs, as defined in s. 409.2554. The court shall order payment of administrative costs without requiring the department to have a member of the bar testify or submit an affidavit as to the reasonableness of the costs. An attorney-client relationship exists only between the department and the legal services providers in Title IV-D cases. The attorney shall advise the obligee in Title IV-D cases that the attorney represents the agency and not the obligee. In Title IV-D cases, any costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. In any case where the court does not award all costs the court shall state in the record its reasons for not awarding the costs. The Department of Revenue shall not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1). The department shall submit a monthly report to the Governor and the chairs of the Appropriations Committee of the House of Representatives and the Ways and Means Committee of the Senate specifying the funds identified for collection from the noncustodial parents of children receiving temporary assistance and the amounts actually collected.

Section 54. Paragraph (b) of subsection (2) of section 409.2574, Florida Statutes, is amended to read:

409.2574 Income deduction enforcement in Title IV-D cases.—

(2)

(b) The department shall serve a notice ~~of its intent to enforce income deduction~~ on the obligor that the income deduction notice has been served

on the employers. Service upon an obligor under this section shall be made in the manner prescribed in chapter 48. The department shall furnish to the obligor a statement of his rights, remedies, and duties in regard to the income deduction.

Section 55. Section 409.2576, Florida Statutes, is created to read:

409.2576 State Directory of New Hires; definitions; furnishing reports and data; matches to state registry; service of deduction notices; national registry; disclosure of information; rulemaking authority.—

(1) DIRECTORY CREATED.—The State Directory of New Hires is hereby created and shall be administered by the Department of Revenue or its agent. The Department of Labor and Employment Security will act as the agent until a date not later than October 1, 1998. All employers in the state shall furnish a report consistent with subsection (3) for each newly hired or rehired employee unless the employee is employed by a federal or state agency performing intelligence or counterintelligence functions and the head of such agency has determined that reporting pursuant to this section could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(2) DEFINITIONS.—For purposes of this section:

(a) “Employee” is defined as an individual who is an employee within the meaning of chapter 24 of the Internal Revenue Code of 1986.

(b) “Employer” has the meaning given such term in section 3401(d) of the Internal Revenue Code of 1986 and includes any government entity and labor organization.

(c) “Labor organization” has the meaning given such term in section 2(5) of the National Labor Relations Act and includes any entity which is used by the organization and an employer to carry out requirements described in section 8(f)(3) of such act of an agreement between the organization and employer.

(d) “Date of hire” is the first day of work for which the employee is owed income.

(3) EMPLOYERS TO FURNISH REPORTS.—

(a) Each employer subject to the reporting requirements of chapter 443 with 250 or more employees, shall provide to the State Directory of New Hires, a report listing the employer’s legal name, address, and unemployment compensation identification number. The report must also provide the name and social security number of each new employee or rehired employee at the end of the first pay period following employment or reemployment.

(b) Upon termination of the contract with the Department of Labor and Employment Security, but not later than October 1, 1998, all employers shall furnish a report to the State Directory of New Hires of the state in which the newly hired or rehired employee works. The report required in

this section shall be made on a W-4 form or, at the option of the employer, an equivalent form, and can be transmitted magnetically, electronically, by first class mail, or other methods which may be prescribed by the State Directory. Each report shall include the name, address, date of hire, and social security number of every new and rehired employee and the name, address, and federal employer identification number of the reporting employer. If available, the employer may also include the employee's date of birth in the report. Multistate employers that report new hire information electronically or magnetically may designate a single state to which it will transmit the above noted report, provided the employer has employees in that state and the employer notifies the Secretary of Health and Human Services in writing to which state the information will be provided. Agencies of the United States Government shall report directly to the National Directory of New Hires.

(c) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(4) TIME FOR REPORTS.—Employers must report new hire information, as described in subsection (3), within 20 days of the hire date of the employee, or, in the case of employers that report new hire information electronically or by magnetic tape, by two monthly transmissions, if necessary, not less than 12 days nor more than 16 days apart.

(5) ENTRY OF DATA.—The State Directory of New Hires shall enter new hire information into an automated database within 5 business days of receipt.

(6) MATCHES TO STATE REGISTRY.—Not later than May 1, 1998, the Department of Revenue or its agent must conduct automated matches of the social security numbers of employees reported to the State Directory of New Hires against the social security numbers of records in the State Case Registry. The Title IV-D agency shall use the new hire information received to locate individuals for the purposes of establishing paternity and establishing, modifying, and enforcing support obligations. Private entities under contract with the Title IV-D agency to provide Title IV-D services may have access to information obtained from the State Directory of New Hires and must comply with privacy safeguards.

(7) WAGE WITHHOLDING NOTICE.—Not later than October 1, 1998, the Title IV-D agency shall transmit a wage withholding notice consistent with s. 61.1301 to the employee's employer within 2 business days of entry of the new hire information into the State Directory of New Hires' database, unless the court has determined that the employee's wages are not subject to withholding. The withholding notice shall direct the employer to withhold income in accordance with the income deduction order.

(8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—Not later than October 1, 1997, the State Directory of New Hires must furnish

information regarding newly hired or rehired employees to the National Directory of New Hires for matching with the records of other state case registries within 3 business days of entering such information from the employer into the State Directory of New Hires. The State Directory of New Hires shall enter into an agreement with the Florida Department of Labor and Employment Security for the quarterly reporting to the National Directory of New Hires information on wages and unemployment compensation taken from the quarterly report to the Secretary of Labor, now required by Title III of the Social Security Act, except that no report shall be filed with respect to an employee of a state or local agency performing intelligence or counterintelligence functions, if the head of such agency has determined that filing such a report could endanger the safety of the employee or compromise an ongoing investigation or intelligency mission.

(9) DISCLOSURE OF INFORMATION.—

(a) New hire information shall be disclosed to the state agency administering the following programs for the purposes of determining eligibility under those programs:

1. Any state program funded under part A of Title IV of the Social Security Act;

2. The Medicaid program under Title XIX of the Social Security Act;

3. The unemployment compensation program under section 3304 of the Internal Revenue Code of 1954;

4. The food stamp program under the Food Stamp Act of 1977; and

5. Any state program under a plan approved under Title I (Old-Age Assistance for the Aged), Title X (Aid to the Blind), Title XIV (Aid to the Permanently and Totally Disabled), or Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act.

(b) New hire information shall be disclosed to the state agencies operating employment security and workers' compensation programs for the purposes of administering such programs.

(10) RULEMAKING AUTHORITY.—The Department of Revenue shall have the authority to adopt rules to implement this section.

Section 56. Effective October 1, 1997, section 409.2577, Florida Statutes, 1996 Supplement, is amended to read:

409.2577 Parent locator service.—The department shall establish a parent locator service to assist in locating parents who have deserted their children and other persons liable for support of dependent children. The department shall use all sources of information available, including the Federal Parent Locator Service, and may request and shall receive information from the records of any person or the state or any of its political subdivisions or any officer thereof. Any agency as defined in s. 120.52, any political

subdivision, and any other person shall, upon request, provide the department any information relating to location, salary, insurance, social security, income tax, and employment history necessary to locate parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act. This provision shall expressly take precedence over any other statutory nondisclosure provision which limits the ability of an agency to disclose such information, except that law enforcement information as provided in s. 119.07(3)(i) is not required to be disclosed, and except that confidential taxpayer information possessed by the Department of Revenue shall be disclosed only to the extent authorized in s. 213.053(15). Nothing in this subsection requires the disclosure of information if such disclosure is prohibited by federal law. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). Additionally, the department is authorized to collect any additional information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support for a dependent child. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). The department may make such information available only to public officials and agencies of this state; political subdivisions of this state; the custodial parent, legal guardian, attorney, or agent of the child; and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents, for the sole purpose of establishing, modifying, or enforcing their liability for support. If the department has reasonable evidence of domestic violence or child abuse and the disclosure of information could be harmful to the custodial parent or the child of such parent, the child support program director or designee shall notify the Secretary of the U.S. Department of Health and Human Services of this evidence. Such evidence is sufficient grounds for the department to disapprove an application for location services.

Section 57. Section 409.2578, Florida Statutes, is created to read:

409.2578 Access to employment information; administrative fine.—

(1) For the purpose of establishing paternity or establishing or enforcing a child support obligation, all persons in this state, including for-profit, not-for-profit, and governmental employers or contractors, shall, upon written request from the IV-D agency for information concerning an individual employee of such person, provide to the IV-D agency of this state or its designee or to the Title IV-D agency of any other state or its designee information on the employment, compensation, and benefits of any employee who has a liability to pay child support and is delinquent or who has a potential liability. The IV-D Agency may also make such a request for the purpose of modifying a child support obligation after an unsuccessful attempt to obtain the information from either party. The information requested shall be provided within 30 days of receipt of the written request. The Title IV-D agency of this state is authorized to impose a fine for failure to respond to its request.

(2) Prior to imposition of a fine, the department shall issue a written notification of noncompliance. Failure to comply with the request within 15

days of receipt of the written notification without good cause may result in the agency taking the following actions:

(a) Imposition of an administrative fine of not more than \$500;

(b) The application by the Title IV-D agency or its designee, to the circuit court for an court compelling compliance. The person who is determined to be in noncompliance with the request shall be liable for reasonable attorney's fees and costs associated with the department bringing this action upon showing by the department that the person failed to comply with the request without good cause.

(3) All fines collected pursuant to this section shall be made payable to the Child Support Enforcement Application Fee and Program Revenue Trust Fund.

(4) The Title IV-D agency has the authority to adopt rules and procedures to implement this section.

Section 58. Effective October 1, 1997, section 409.2579, Florida Statutes, 1996 Supplement, is amended to read:

409.2579 Safeguarding Title IV-D case file information.—

(1) Information concerning applicants for or recipients of Title IV-D child support services is confidential and exempt from the provisions of s. 119.07(1). The use or disclosure of such information by the IV-D program is limited to purposes directly connected with:

(a) The administration of the plan or program approved under part A, part B, ~~part C, or part D, part E, or part F~~ of Title IV; under Title II, Title X, Title XIV, Title XVI, Title XIX, or Title XX; or under the supplemental security income program established under Title XVI of the Social Security Act;

(b) Any investigation, prosecution, or criminal or civil proceeding connected with the administration of any such plan or program; ~~and~~

(c) The administration of any other federal or federally assisted program which provides service or assistance, in cash or in kind, directly to individuals on the basis of need; ~~and.~~

(d) Reporting to an appropriate agency or official, information on known or suspected instances of physical or mental injury, child abuse, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child support enforcement activity under circumstances which indicate that the child's health or welfare is threatened thereby.

(2) The IV-D program may not disclose to any legislative body, whether federal, state, or local, or any committee thereof, any information that identifies by name or address an applicant or recipient of child support services.

(3) As required by federal law, 42 U.S.C. s. 654, upon notice that such an order exists, the IV-D program shall not disclose information on the where-

abouts of one party to the other party against whom a protective order with respect to the former party has been entered.

(4) As required by federal law, 42 U.S.C. s. 654, the IV-D program shall not disclose information on the whereabouts of one party to another party if the program has reason to believe that the release of information may result in physical or emotional harm to the former party.

(5) The Department of Children and Family Services is authorized to establish, by rule, procedures to implement this section.

(6)(3) Any person who willfully and knowingly violates any of the provisions of this section is guilty of a misdemeanor of the first degree punishable as provided in s. 775.082 or s. 775.083.

Section 59. Section 409.2598, Florida Statutes, 1996 Supplement, is amended to read:

409.2598 Suspension or denial of new or renewal licenses; registrations; certifications.—

(1) The Title IV-D agency may petition the court that entered the support order or the court that is enforcing the support order to deny or suspend the license, registration, or certificate issued under chapter 231, chapter 370, chapter 372, chapter 409, chapter 455, or chapter 559 or s. 327.031 of any obligor with a delinquent child support obligation or who fails, after receiving appropriate notice, to comply with subpoenas, orders to appear, orders to show cause, or similar orders relating to paternity or child support proceedings. However, a petition may not be filed until the Title IV-D agency has exhausted all other available remedies. The purpose of this section is to promote the public policy of the state as established in s. 409.2551.

(2) The Title IV-D agency is authorized to screen all applicants for new or renewal licenses, registrations, or certificates and current licenses, registrations, or certificates and current licensees, registration holders, and certificate holders of all licenses, registrations, and certificates issued under chapter 231, chapter 370, chapter 372, chapter 409, chapter 455, or chapter 559 or s. 327.031 to ensure compliance with any child support obligation and any subpoenas, orders to appear, orders to show cause, or similar orders relating to paternity or child support proceedings. If the Title IV-D agency determines that an applicant, licensee, registration holder, or certificate-holder is an obligor who is delinquent on a support obligation or who is not in compliance with a subpoena, orders to appear, orders to show cause, or similar orders relating to paternity or child support proceedings, the Title IV-D agency shall certify the delinquency pursuant to s. 61.14.

(3) The Title IV-D agency shall give notice to any obligor who is an applicant for a new or renewal license or certificate or the holder of a current license or certificate when a delinquency exists in the support obligation or when an obligor has failed to comply with a subpoena, order to appear, order to show cause, or similar order relating to paternity or child support proceeding. The notice shall specify that the obligor has 30 days from the date on which service of the notice is complete to pay the delinquency or to reach an

agreement to pay the delinquency with the Title IV-D agency or comply with the subpoena, order to appear, order to show cause, or similar order. The notice shall specify that, if payment is not made or an agreement cannot be reached, or if the subpoena, order to appear, order to show cause, or similar order is not complied with, the application may be denied or the license or certification may be suspended pursuant to a court order.

(4) If the obligor fails to pay the delinquency or reach an agreeable payment arrangement or comply with the subpoena, order to appear, order to show cause, or similar order within 30 days following completion of service of the notice of the delinquency, the Title IV-D agency shall send a second notice to the obligor stating that the obligor has 30 days to pay the delinquency or reach an agreement to pay the delinquency with the Title IV-D agency or comply with the subpoena, order to appear, order to show cause, or similar order. If the obligor fails to respond to either notice from the Title IV-D agency or if the obligor fails to pay the delinquency or reach an agreement to pay the delinquency or comply with the subpoena, order to appear, order to show cause, or similar order after the second notice, the Title IV-D agency may petition the court which entered the support order or the court which is enforcing the support order to deny the application for the license or certificate or to suspend the license or certificate of the obligor. However, no petition may be filed until the Title IV-D agency has exhausted all other available remedies. The court may find that it would be inappropriate to deny a license or suspend a license or certificate if:

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

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

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

(5) If the court denies or suspends a license or certification and the obligor subsequently pays the delinquency or reaches an agreement with the Title IV-D agency to settle the delinquency and makes the first payment required by the agreement, or complies with the subpoena, order to appear, order to show cause, or similar order, the license or certificate shall be issued or reinstated upon written proof to the court that the obligor has complied with the terms of the court order, subpoena, order to appear, order to show

cause, or similar order. Proof of payment shall consist of a certified copy of the payment record issued by the depository. The court shall order the appropriate department or license board to issue or reinstate the license or certificate without additional charge to the obligor.

(6) The department shall, when directed by the court, suspend or deny the license or certificate of any licensee or certificateholder under its jurisdiction found to have a delinquent support obligation or not to be in compliance with a subpoena, order to appear, order to show cause, or similar order. The department shall issue or reinstate the license or certificate without additional charge to the licensee or certificateholder when notified by the court that the licensee or certificateholder has complied with the terms of the court order, or subpoena, order to appear, order to show cause, or similar order.

(7) Notice shall be served under this section by mailing it by certified mail, return receipt requested, to the obligor at his last address of record with the local depository. If the obligor has no address of record with the local depository, or if the last address of record with the local depository is incorrect, service shall be by publication as provided in chapter 49. When service of the notice is made by mail, service is complete upon the receipt of the notice by the obligor.

Section 60. Subsection (5) of section 414.028, Florida Statutes, 1996 Supplement, is amended to read:

414.028 Local WAGES coalitions.—The WAGES Program State Board of Directors shall create and charter local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level. The boundaries of the service area for a local WAGES coalition shall conform to the boundaries of the service area for the jobs and education regional board established under the Enterprise Florida Jobs and Education Partnership. The local delivery of services under the WAGES Program shall be coordinated, to the maximum extent possible, with the local services and activities of the local service providers designated by the regional workforce development boards.

(5) The WAGES Program State Board of Directors may not approve the program and financial plan of a local coalition unless the plan provides a teen pregnancy prevention component that includes, but is not necessarily limited to, a plan for implementing the Florida Education Now and Babies Later (ENABL) program under s. 411.242 and the Teen Pregnancy Prevention Community Initiative within each segment of the service area in which the childhood birth rate is higher than the state average. Each local WAGES coalition is authorized to fund community-based welfare prevention and reduction initiatives that increase the support provided by noncustodial parents to their welfare-dependent children and are consistent with program and financial guidelines developed by the WAGES Program State Board of Directors and the Commission on Responsible Fatherhood. These initiatives may include, but are not limited to, improved paternity establishment, work activities for noncustodial parents, and programs aimed at decreasing out-of-wedlock pregnancies, encouraging the involvement of fathers with their children, and increasing child-support payments.

Section 61. Subsection (7) of section 443.171, Florida Statutes, 1996 supplement, is amended to read:

443.171 Division and commission; powers and duties; rules; advisory council; records and reports.—

(7) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing such information as the division may prescribe. Such records shall be open to inspection and be subject to being copied by the division at any reasonable time and as often as may be necessary. The division or an appeals referee may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, deemed necessary for the effective administration of this chapter. However, a state or local governmental agency performing intelligence or counter-intelligence functions need not report an employee if the head of such agency has determined that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. Information revealing the employing unit's or individual's identity thus obtained from the employing unit or from any individual pursuant to the administration of this chapter, shall, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, be held confidential and exempt from the provisions of s. 119.07(1). Such information shall be available only to public employees in the performance of their public duties, including employees of the Department of Education in obtaining information for the Florida Education and Training Placement Information Program and the Department of Commerce in its administration of the qualified defense contractor tax refund program authorized by s. 288.104, the qualified target industry business tax refund program authorized by s. 288.106. Any claimant, or his legal representative, at a hearing before an appeals referee or the commission shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of the commission or any employee of the division, or any other person receiving confidential information, who violates any provision of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the division may furnish to any employer copies of any report previously submitted by such employer, upon the request of such employer, and the division is authorized to charge therefor such reasonable fee as the division may by rule prescribe not to exceed the actual reasonable cost of the preparation of such copies. Fees received by the division for copies provided under this subsection shall be deposited to the credit of the Employment Security Administration Trust Fund.

Section 62. Subsection (2) of section 443.1715, Florida Statutes, 1996 Supplement, is amended to read:

443.1715 Disclosure of information; confidentiality.—

(2) DISCLOSURE OF INFORMATION.—Subject to such restrictions as the division prescribes by rule, information declared confidential under this section may be made available to any agency of this or any other state, or

any federal agency, charged with the administration of any unemployment compensation law or the maintenance of a system of public employment offices, or the Bureau of Internal Revenue of the United States Department of the Treasury, or the Florida Department of Revenue and information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a job-preparatory or career education or training program. The division shall on a quarterly basis, furnish the National Directory of New Hires with extracts of the reports required under section 303(a)(6) of the Social Security Act (42 U.S.C. s. 503) to be made to the Secretary of Labor concerning the wages and unemployment compensation paid to individuals, by such dates, in such format and containing such information as the Secretary of Health and Human Services shall specify in regulations. Upon request therefor, the division shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter. Except as otherwise provided by law, the receiving agency must retain the confidentiality of such information as provided in this section. The division may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter and may in connection with such request transmit any such report or return to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

Section 63. Subsection (1) of section 455.213, Florida Statutes, 1996 Supplement, is amended and subsection (9) is added to said section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing to take the appropriate examination. The application shall be made on a form prepared and furnished by the department and include the applicant's social security number. The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency.

(9) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 64. Subsection (1) of section 455.2141, Florida Statutes, 1996 Supplement, is amended and subsection (7) is added to said section, to read:

455.2141 Agency for Health Care Administration; general licensing provisions.—

(1) Any person desiring to be licensed in a profession within the jurisdiction of the Agency for Health Care Administration shall apply to the agency in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the agency and shall require the social security number of the applicant. The form ~~and~~ shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency.

(7) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 65. Subsection (1) of section 548.021, Florida Statutes, is amended and subsection (4) is added to said section, to read:

548.021 Applications for licenses and permits.—An application for a license or a permit must:

(1) Be in writing on a form supplied by the commission which shall contain the applicant's social security number.

(4) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 66. Paragraph (a) of subsection (2) of section 626.171, Florida Statutes, is amended and subsection (7) is added to said section, to read:

626.171 Application for license.—

(2) In the application, the applicant shall set forth:

(a) His full name, age, social security number, residence, place of business, and occupation for the 5-year period preceding the date of application.

(7) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 67. Section 741.04, Florida Statutes, is amended to read:

741.04 Marriage license issued.—No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person

unless there shall be first presented and filed with him an affidavit in writing, signed by both parties to the marriage, providing the social security numbers of each party, made and subscribed before some person authorized by law to administer an oath, reciting the true and correct ages of such parties; unless both such parties shall be over the age of 18 years, except as provided in s. 741.0405; and unless one party is a male and the other party is a female. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 68. Section 742.031, Florida Statutes, is amended to read:

742.031 Hearings; court orders for support, hospital expenses, and attorney's fee.—

(1) Hearings for the purpose of establishing or refuting the allegations of the complaint and answer shall be held in the chambers and may be restricted to persons, in addition to the parties involved and their counsel, as the judge in his discretion may direct. The court shall determine the issues of paternity of the child and the ability of the parents to support the child. Each party's social security number shall be recorded in the file containing the adjudication of paternity. If the court finds that the alleged father is the father of the child, it shall so order. If appropriate, the court shall order the father to pay the complainant, her guardian, or any other person assuming responsibility for the child moneys sufficient to pay reasonable attorney's fees, hospital or medical expenses, cost of confinement, and any other expenses incident to the birth of the child and to pay all costs of the proceeding. Bills for pregnancy, childbirth, and scientific testing are admissible as evidence without requiring third-party foundation testimony, and shall constitute prima facie evidence of amounts incurred for such services or for testing on behalf of the child. The court shall order either or both parents owing a duty of support to the child to pay support pursuant to s. 61.30. The court shall issue, upon motion by a party, a temporary order requiring the provision of child support pursuant to s. 61.30 pending an administrative or judicial determination of parentage, if there is clear and convincing evidence of paternity on the basis of genetic tests or other evidence. The court may also make a determination as to the parental responsibility and residential care and custody of the minor children in accordance with chapter 61.

(2) If a judgment of paternity contains no explicit award of custody, the establishment of a support obligation or of visitation rights in one parent shall be considered a judgment granting primary residential care and custody to the other parent without prejudice. If a paternity judgment contains no such provisions, custody shall be presumed to be with the mother.

(3) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social

security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 69. Section 742.032, Florida Statutes, is created to read:

742.032 Filing of location information.—

(1) Beginning July 1, 1997, each party to any paternity or child support proceeding must file with the tribunal, as defined in chapter 88 and State Case Registry as defined in chapter 61 upon entry of an order, and update as appropriate, information on location and identity of the party, including Social Security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer. Beginning October 1, 1998, each party to any paternity or child support proceeding in a non-Title IV-D case shall meet the above requirements for updating the tribunal and State Case Registry.

(2) Beginning July 1, 1997, in any subsequent Title IV-D child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the tribunal may deem state due process requirements for notice and service of process to be met with respect to the party upon delivery of written notice to the most recent residential or employer address filed with the tribunal and State Case Registry under subsection (1). Beginning October 1, 1998, in any subsequent non-Title IV-D child support enforcement action between the parties, the same requirements for service shall apply.

(3) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 70. Section 742.10, Florida Statutes, is amended to read:

742.10 Establishment of paternity for children born out of wedlock.—

(1) This chapter provides the primary jurisdiction and procedures for the determination of paternity for children born out of wedlock. When the establishment of paternity has been raised and determined within an adjudicatory hearing brought under the statutes governing inheritance, dependency under workers' compensation or similar compensation programs, or vital statistics, or when an affidavit acknowledging paternity or a stipulation of paternity is executed by both parties and filed with the clerk of the court, or when a consenting affidavit as provided for in s. 382.013(6)(b) is executed by both parties, it shall constitute the establishment of paternity for purposes of this chapter. If no adjudicatory proceeding was held, a voluntary acknowledgment of paternity shall create a rebuttable presumption, as defined by s. 90.304, of paternity and is subject to the right of any signatory to rescind the acknowledgment within 60 days of the date the acknowledgment was signed or the date of an administrative or judicial proceeding

relating to the child, including a proceeding to establish a support order, in which the signatory is a party, whichever is earlier. Both parents are required to provide their social security numbers on any acknowledgment of paternity, consent affidavit, or stipulation of paternity. The Bureau of Vital Statistics shall provide certified copies of consenting affidavits to the Title IV-D agency upon request.

(2) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(3)(2) The department shall adopt rules which establish the information which must be provided to an individual prior to execution of a consenting affidavit or voluntary acknowledgment of paternity. The information shall explain the alternatives to, the legal consequences of, and the rights, including, if one parent is a minor, any rights afforded due to minority status, and responsibilities that arise from ~~of~~ acknowledging paternity.

(4) After the 60-day period referred to in paragraph (1), a signed voluntary acknowledgment of paternity shall constitute an establishment of paternity and may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities, including child support obligations of any signatory arising from the acknowledgment may not be suspended during the challenge, except upon a finding of good cause by the court.

(5) Judicial or administrative proceedings are not required or permitted to ratify an unchallenged acknowledgment of paternity.

Section 71. Section 742.105, Florida Statutes, is amended to read:

742.105 Effect of a determination of paternity from a foreign jurisdiction.—A final order of paternity entered in a foreign jurisdiction, whether resulting from a voluntary acknowledgment or an administrative or judicial process, or an affidavit acknowledging paternity signed in any other state according to its procedures, shall be given the same legal effect as if such final order was entered or affidavit was signed pursuant to this chapter. In any proceeding in this state, a certified copy of the final order of paternity from a foreign jurisdiction shall be conclusive evidence of paternity.

Section 72. Section 742.12, Florida Statutes, is amended to read:

742.12 Scientific testing to determine paternity.—

(1) In any proceeding to establish paternity, the court on its own motion ~~may or upon request of a party shall~~ require the child, mother, and alleged fathers to submit to Human Leukocyte Antigen tests or other scientific tests that are generally acceptable within the scientific community to show a probability of paternity. The court shall direct that the tests be conducted by a qualified technical laboratory.

(2) In any proceeding to establish paternity, the court may, upon request of a party providing a sworn statement alleging paternity and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties or providing a sworn statement denying paternity and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties, require the child, mother, and alleged fathers to submit to scientific tests that are generally acceptable within the scientific community to show a probability of paternity. The court shall direct that the tests be conducted by a qualified technical laboratory.

(3)(2) The test results, together with the opinions and conclusions of the test laboratory, shall be filed with the court. Any objection to the test results must be made in writing and must be filed with the court at least 10 days prior to the hearing. If no objection is filed, the test results shall be admitted into evidence without the need for predicate to be laid or third-party foundation testimony to be presented. Nothing in this paragraph prohibits a party from calling an outside expert witness to refute or support the testing procedure or results, or the mathematical theory on which they are based. Upon the entry of the order for scientific testing, the court must inform each person to be tested of the procedure and requirements for objecting to the test results and of the consequences of the failure to object.

(4)(3) Test results are admissible in evidence and should be weighed along with other evidence of the paternity of the alleged father unless the statistical probability of paternity equals or exceeds 95 percent. A statistical probability of paternity of 95 percent or more creates a rebuttable presumption, as defined by s. 90.304, that the alleged father is the biological father of the child. If a party fails to rebut the presumption of paternity which arose from the statistical probability of paternity of 95 percent or more, the court may enter a summary judgment of paternity. If the test results show the alleged father cannot be the biological father, the case shall be dismissed with prejudice.

(5)(4) Subject to the limitations in subsection (3) (2), if the test results or the expert analysis of the inherited characteristics is disputed, the court, upon reasonable request of a party, shall order that an additional test be made by the same laboratory or an independent laboratory at the expense of the party requesting additional testing.

(6)(5) Verified documentation of the chain of custody of the blood or other specimens is competent evidence to establish the chain of custody.

(7)(6) The fees and costs for ~~Human Leukocyte Antigen tests or other~~ scientific tests shall be paid by the parties in proportions and at times determined by the court unless the parties reach a stipulated agreement which is adopted by the court.

Section 73. Subsection (1) of section 744.301, Florida Statutes, is amended to read:

744.301 Natural guardians.—

(1) The mother and father jointly are natural guardians of their own children and of their adopted children, during minority. If one parent dies, the natural guardianship shall pass to the surviving parent, and the right shall continue even though the surviving parent remarries. If the marriage between the parents is dissolved, the natural guardianship shall belong to the parent to whom the custody of the child is awarded. If the parents are given joint custody, then both shall continue as natural guardians. If the marriage is dissolved and neither the father nor the mother is given custody of the child, neither shall act as natural guardian of the child. The mother of a child born out of wedlock is the natural guardian of the child and is entitled to primary residential care and custody of the child unless a court of competent jurisdiction enters an order stating otherwise.

Section 74. Section 943.053, Florida Statutes, 1996 Supplement, is amended to read:

943.053 Dissemination of criminal justice information; fees.—

(1) The Department of Law Enforcement shall disseminate criminal justice information only in accordance with federal and state laws, regulations, and rules.

(2) Criminal justice information derived from federal criminal justice information systems or criminal justice information systems of other states shall not be disseminated in a manner inconsistent with the laws, regulations, or rules of the originating agency.

(3) Criminal history information, including information relating to juveniles, compiled by the Division of Criminal Justice Information Systems from intrastate sources shall be available on a priority basis to criminal justice agencies for criminal justice purposes free of charge and, otherwise, to governmental agencies not qualified as criminal justice agencies on an approximate-cost basis. After providing the division with all known identifying information, persons in the private sector may be provided criminal history information upon tender of fees as established by rule of the Department of Law Enforcement. Such fees shall approximate the actual cost of producing the record information. Fees may be waived by the executive director of the Department of Law Enforcement for good cause shown.

(4) Criminal justice information provided by the Department of Law Enforcement shall be used only for the purpose stated in the request.

(5) Notwithstanding any other provision of law, the department shall provide to the Florida Department of Revenue Child Support Enforcement access to Florida criminal records which are not exempt from disclosure under chapter 119, and to such information as may be lawfully available from other states via the National Law Enforcement Telecommunications System, for the purpose of locating subjects who owe or potentially owe child support or to whom such obligation is owed pursuant to Title IV-D of the Social Security Act. Such information may be provided to child support enforcement authorities in other states for these specific purposes.

(6)(5) Notwithstanding the provisions of s. 943.0525, and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of sealed records as provided for in s. 943.059, the sheriff of any county that has contracted with a private entity to operate a county detention facility pursuant to the provisions of s. 951.062 shall provide that private entity, in a timely manner, copies of the Florida criminal history records for its inmates. The sheriff may assess a charge for the Florida criminal history records pursuant to the provisions of chapter 119. Sealed records received by the private entity under this section remain confidential and exempt from the provisions of s. 119.07(1).

(7)(6) Notwithstanding the provisions of s. 943.0525, and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of sealed records as provided for in s. 943.059, the Department of Corrections shall provide, in a timely manner, copies of the Florida criminal history records for inmates housed in a private state correctional facility to the private entity under contract to operate the facility pursuant to the provisions of s. 944.105 or s. 957.03. The department may assess a charge for the Florida criminal history records pursuant to the provisions of chapter 119. Sealed records received by the private entity under this section remain confidential and exempt from the provisions of s. 119.07(1).

Section 75. To expedite the acquisition of goods and services for implementing the provisions of this act, the Department of Revenue is exempt from the provisions of chapter 287, Florida Statutes, when contracting for the purchase or lease of goods or services pursuant to this act. This section shall take effect upon this act becoming a law and shall expire July 1, 1998.

Section 76. To expedite the leasing of facilities for implementing the provisions of this act, the Department of Revenue is exempt from the requirements of any state law relating to the leasing of space including, but not limited to, the requirements imposed by s. 255.25, Florida Statutes, and any rules adopted pursuant thereto; provided, however, all leases entered into by the Department of Revenue through the 1997-1998 fiscal year shall be submitted for approval by the Department of Management Services at the earliest practicable time. This section shall take effect upon this act becoming a law and shall expire July 1, 1998.

Section 77. (1) On or before September 1, 1997, the Department of Revenue shall develop a draft request for proposal for a state disbursement unit and a draft request for proposal for a state case registry. The draft requests developed by the Department of Revenue must include a requirement that the vendor must consult with each depository established pursuant to s. 61.181, Florida Statutes, and a requirement that the vendor must develop a standard contract which must be offered to each depository. Before October 1, 1997, the Department of Revenue must request approval of the draft requests for proposal from the United States Department of Health and Human Services and any waivers necessary to implement them.

(2) On or before January 2, 1998, the Department of Revenue shall submit a report to the President of the Senate and the Speaker of the House of Representatives which must include:

(a) Each draft request for proposal, and

(b) The status of approval of each draft request for proposal, including authorization for any waivers necessary to implement the draft request for proposal, from the United States Department of Health and Human Services.

(3) The Department of Revenue may not issue either request for proposal before May 15, 1998.

Section 78. Effective October 1, 1997, section 443.175, Florida Statutes, as created by chapter 94-318, Laws of Florida, is repealed.

Section 79. The Department of Revenue is to develop baseline data concerning the following, and is to report this data to the President of the Senate and the Speaker of the House of Representatives, on or before January 1, 1998:

(1) Effectiveness of child support enforcement program:

(a) Average percent of all child support obligations collected;

(b) For pre-1997 Cases:

1. Number of unobligated cases aged by year;

2. Percent of collections of newly obligated pre-1997 cases;

(c) Percent of children with paternity established; and

(d) Percent of children with court order for support.

(2) Timeliness of enforcement actions:

(a) Average time to establish paternity and support for cases requiring establishment of both paternity and support;

(b) Average time to establish support for cases requiring the establishment of support only; and

(c) Average time from delinquency to initial payment towards delinquency:

1. Average time from delinquency to commencement of enforcement; and

2. Average time from commencement of enforcement to initial payment towards delinquency.

(3) Efficiency of enforcement actions:

(a) Ratio of AFDC collections to CSE's total administrative costs; and

(b) Ratio of non-AFDC collections to CSE's total administrative costs.

Section 80. In recognition of his untiring efforts to ensure that children receive the support they deserve and in recognition of his untimely death in

that effort, this act shall be known as the “Barry A. Gladden Memorial Child Support Enforcement Act.”

Section 81. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1997.

Approved by the Governor May 29, 1997.

Filed in Office Secretary of State May 29, 1997.