

CHAPTER 98-397

Committee Substitute for Committee Substitute for House Bill No. 271

An act relating to social welfare; providing legislative intent and findings; providing for demonstration projects to be implemented which require drug screening and possibly drug testing for individuals who apply for temporary assistance or services under the "Work and Gain Economic Self-sufficiency (WAGES) Act"; providing for expiration of the demonstration projects unless reauthorized by the Legislature; directing the Department of Children and Family Services to implement the demonstration projects in specified local WAGES coalitions; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; providing that, if a parent is deemed ineligible due to a failure of a drug test, the eligibility of the children of the parent will not be affected; requiring the department to provide for substance abuse treatment programs for certain persons; giving the Department of Children and Family Services rule-making authority; specifying circumstances resulting in termination of temporary assistance or services; requiring the department and the local WAGES coalitions to evaluate the demonstration projects and report to the WAGES Program State Board of Directors and the Legislature; providing that, in the event of conflict, federal requirements and regulations control; providing for a substance abuse treatment program, subject to the availability of funding; amending s. 61.13, F.S.; requiring child support orders to apportion certain medical expenses; providing requirements for notice and service of process; amending s. 61.1301, F.S.; revising provisions relating to income deduction orders and notices; amending s. 61.181, F.S.; requiring evaluation of certain child support enforcement demonstration projects; requiring a report; amending s. 61.30, F.S.; requiring certain information to accompany child support determinations; providing a limitation on retroactive awards; amending s. 69.041, F.S.; authorizing Department of Revenue participation in mortgage foreclosures based upon interests in a child support lien; amending ss. 319.24 and 409.2575, F.S.; authorizing the director of the state child support enforcement program to delegate certain responsibilities with respect to motor vehicle liens; amending s. 319.32, F.S.; providing a fee for motor vehicle liens; amending ss. 372.561 and 372.57, F.S.; requiring applicants for certain game and freshwater fish licenses to provide social security numbers; amending s. 372.574, F.S.; providing for confidentiality of records contained in records of sub-agents; amending s. 382.008, F.S.; requiring death and fetal death registrations to include social security numbers, if available; restricting use of such numbers; amending s. 382.013, F.S.; providing for certain use of birth registration information; providing certain notice relating to paternity affidavits; amending s. 409.2557, F.S.; providing specific rulemaking authority; creating s. 409.2558, F.S.; providing for the department's distribution and disbursement of

child support payments; creating s. 409.2559, F.S.; providing for establishment of a state disbursement unit; amending s. 409.2561, F.S., relating to child support obligations when public assistance is paid; amending s. 409.2564, F.S., relating to subpoenas in child support actions; providing for challenges; providing for enforcement; providing for fines; amending s. 409.25641, F.S.; providing for processing of automated administrative enforcement requests; creating s. 409.25658, F.S.; providing for use of certain unclaimed property for past-due child support; providing duties of the department and the Department of Banking and Finance; providing for notice and hearings; amending ss. 409.2567, 409.2578, and 443.051, F.S.; correcting and conforming references; amending ss. 409.2572, 414.095, and 414.32, F.S.; providing for determinations of good cause for failure to cooperate with the child support enforcement agency; amending ss. 409.2576 and 455.213, F.S.; clarifying conditions for disclosure of social security numbers; amending s. 409.2579, F.S.; revising provisions which limit or prohibit disclosure of the identity and whereabouts of certain persons; providing a penalty; amending s. 443.1715, F.S., relating to disclosure of wage and unemployment compensation information; amending s. 741.04, F.S., relating to information required for issuance of a marriage license; amending s. 742.032, F.S., relating to requirements for notice and service of process; amending s. 61.14, F.S.; prohibiting deductions by local depositories for certain costs and fees until the total due the obligee has been paid; amending s. 61.046, F.S.; revising definitions; amending s. 61.181, F.S.; providing for processing of certain central depository payments through the Department of Revenue's State Disbursement Unit; continuing a fee through a specified date; providing for the use of funds; creating s. 61.1824, F.S.; providing for a State Disbursement Unit; providing responsibilities; creating s. 61.1825, F.S.; providing for operation of a State Case Registry; providing requirements; creating s. 61.1826, F.S.; providing legislative findings; providing for department cooperative agreements and contracts for operation of the State Disbursement Unit and the non-Title IV-D component of the State Case Registry; providing contract requirements; providing for performance reviews; requiring a report; providing for termination of contracts under specified conditions; providing for report of program income; providing penalties; authorizing the department to withhold funds for noncompliance with contractual terms; requiring notice; providing for a corrective action plan; repealing s. 382.013(1) and (2)(b), F.S., as amended by ch. 97-170, Laws of Florida, to clarify legislative intent with respect to conflicting enactments; providing effective dates.

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

Section 1. Legislative intent and findings.—

(1) It is the intent of the Legislature that the provisions of this act enhance the employability of participants in the WAGES Program through drug screening, testing, and treatment.

(2) The Legislature finds that there is a perception on the part of employers that the individuals who receive temporary assistance or services under the WAGES Program are likely to use drugs, and that such perception adds to the difficulties such individuals have in securing employment.

(3) The Legislature also finds that the failure of individuals to achieve the independence provided by gainful employment results in welfare costs that burden the state's taxpayers.

(4) The Legislature further finds that drug use adversely effects a significant portion of the workforce, which results in billions of dollars of lost productivity each year and poses a threat to the safety of the workplace and to public safety and security.

(5) In balancing the interests of taxpayers, participants in the WAGES Program, and potential employers against the interests of those who will be screened and tested under this act, the Legislature finds that drug screening, testing, and treatment as provided for in this act are in the greater interests of all concerned.

Section 2. Drug testing and screening program; procedures.—

(1) The Department of Children and Family Services, in consultation with local WAGES coalitions 3 and 8, shall develop and, as soon as possible after January 1, 1999, implement a demonstration project in WAGES regions 3 and 8 to screen each applicant and test applicants for temporary cash assistance provided under chapter 414, Florida Statutes, who the department has reasonable cause to believe, based on the screening, engage in illegal use of controlled substances. Unless reauthorized by the Legislature, this demonstration project expires June 30, 2001. As used in this act, the term "applicant" means an individual who first applies for assistance or services under the WAGES Program. Screening and testing for the illegal use of controlled substances is not required if the individual reapplies during any continuous period in which the individual receives assistance or services. However, an individual may volunteer for drug testing and treatment if funding is available.

(2) Under the demonstration project the Department of Children and Family Services shall:

(a) Provide notice of drug screening and the potential for possible drug testing to each applicant at the time of application. The notice must advise the applicant that drug screening and possibly drug testing will be conducted as a condition for receiving temporary assistance or services under chapter 414, Florida Statutes, and shall specify the assistance or services that are subject to this requirement. The notice must also advise the applicant that a prospective employer may require the applicant to submit to a pre-employment drug test. The applicant shall be advised that the required drug screening and possible drug testing may be avoided if the applicant does not apply for or receive assistance or services. The drug screening and testing program is not applicable in child-only cases.

(b) Develop a procedure for drug screening and conducting drug testing of applicants for temporary assistance or services under the WAGES Program.

(c) Provide a procedure to advise each person to be tested, before the test is conducted, that he or she may, but is not required to, advise the agent administering the test of any prescription or over-the-counter medication he or she is taking.

(d) Require each person to be tested to sign a written acknowledgment that he or she has received and understood the notice and advice provided under paragraphs (a) and (c).

(e) Provide a procedure to assure each person being tested a reasonable degree of dignity while producing and submitting a sample for drug testing, consistent with the state's need to ensure the reliability of the sample.

(f) Specify circumstances under which a person who fails a drug test has the right to take one or more additional tests.

(g) Provide a procedure for appealing the results of a drug test by a person who fails a test and for advising the appellant that he or she may, but is not required to, advise appropriate staff of any prescription or over-the-counter medication he or she has been taking.

(h) Notify each person who fails a drug test of the local substance abuse treatment programs that may be available to such person.

Section 3. Children.—

(1) If a parent is deemed ineligible for cash assistance due to the failure of a drug test under this act, his or her dependent child's eligibility for cash assistance is not affected.

(2) If a parent is deemed ineligible for cash assistance due to the failure of a drug test, an appropriate protective payee will be established for the benefit of the child.

(3) If the parent refuses to cooperate in establishing an appropriate protective payee for the child, the Department of Children and Family Services will appoint one.

Section 4. Treatment.—

(1) Subject to the availability of funding, the Department of Children and Family Services shall provide a substance-abuse-treatment program for a person who fails a drug test conducted under this act and is eligible to receive temporary assistance or services under the WAGES Program. The department shall provide for a retest at the end of the treatment period. Failure to pass the retest will result in the termination of temporary assistance or services provided under chapter 414, Florida Statutes, and of any right to appeal the termination.

(2) The Department of Children and Family Services shall develop rules regarding the disclosure of information concerning applicants who enter treatment, including the requirement that applicants sign a consent to release information to the Department of Children and Family Services or the Department of Labor and Employment Security, as necessary, as a condition of entering the treatment program.

(3) The Department of Children and Family Services may develop rules for assessing the status of persons formerly treated under this act who reapply for assistance or services under the WAGES act as well as the need for drug testing as a part of the reapplication process.

Section 5. Evaluations and recommendations.—

(1) The Department of Children and Family Services, in conjunction with the local WAGES coalitions in service areas 3 and 8, shall conduct a comprehensive evaluation of the demonstration projects operated under this act. By January 1, 2000, the department, in conjunction with the local WAGES coalitions involved, shall report to the WAGES Program State Board of Directors and to the Legislature on the status of the initial implementation of the demonstration projects and shall specifically describe the problems encountered and the funds expended during the first year of operation.

(2) By January 1, 2001, the department, in conjunction with the local WAGES coalitions involved, shall provide a comprehensive evaluation to the WAGES Program State Board of Directors and to the Legislature, which must include:

(a) The impact of the drug screening and testing program on employability, job placement, job retention, and salary levels of program participants.

(b) Recommendations, based in part on a cost and benefit analysis, as to the feasibility of expanding the program to other local WAGES service areas, including specific recommendations for implementing such expansion of the program.

Section 6. In the event of a conflict between the implementation procedures described in this program and federal requirements and regulations, federal requirements and regulations shall control.

Section 7. From the funds appropriated in Specific Appropriations 361, Grants and Aid - Community Substance Abuse Services, and 1892, Grants and Aid - WAGES Coalitions, the Department of Children and Family Services and the WAGES Program State Board of Directors, in consultation with the Department of Labor and Employment Security, shall provide a substance abuse treatment program for a person who fails a drug test conducted under this act and is eligible to receive temporary assistance or services under the WAGES Program. The Department of Children and Family Services shall provide for a retest at the end of the treatment period. Failure to pass the retest will result in the termination of temporary assistance or services provided under chapter 414, Florida Statutes, and of any right to appeal the termination. Implementation of this project is subject to the availability of funding.

Section 8. Paragraph (b) of subsection (1) and paragraph (c) of subsection (9) of section 61.13, Florida Statutes, are amended 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 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, and any noncovered medical, dental, and prescription medication expenses of the child, to both parties by adding the cost to the basic obligation determined pursuant to s. 61.30(6). The court may order that payment of uncovered medical, dental, and prescription medication expenses of the minor child be made directly to the payee on a percentage basis.

(9)

(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 court of competent jurisdiction shall ~~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.

Section 9. Section 61.1301, Florida Statutes, is amended to read:

61.1301 Income deduction orders.—

(1) ~~ISSUANCE IN CONJUNCTION WITH REQUIREMENT FOR INCOME DEDUCTION AS PART OF 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, other than a temporary order, the court shall enter a separate order include provisions for income deduction if one has not been entered of the alimony and/or child support in the order. Copies of the orders shall be served on the obligee and obligor. If the order establishing, enforcing, or modifying the obligation directs shall direct that payments be made through the depository, the court shall provide to the depository a copy of the order establishing, enforcing, or modifying the obligation. If the obligee is a recipient of Title IV-D services applicant, the court shall furnish to the Title IV-D agency

a copy of the income deduction order and the order establishing, enforcing, or modifying the obligation.

1. In Title IV-D cases, the Title IV-D agency may implement income deduction after receiving a copy of an order from the court under this paragraph or a forwarding agency under UIFSA, URESA, or RURESAs by issuing an income deduction notice to the payor.

2. The income deduction notice must state that it is based upon a valid support order and that it contains an income deduction requirement or upon a separate income deduction order. The income deduction notice must contain the notice to payor provisions specified by paragraph (2)(e). The income deduction notice must contain the following information from the income deduction order upon which the notice is based: the case number, the court that entered the order, and the date entered.

3. Payors shall deduct support payments from income, as specified in the income deduction notice, in the manner provided under paragraph (2)(e).

4. In non-Title IV-D cases, the income deduction notice must be accompanied by a copy of the support order upon which the notice is based. In Title IV-D cases, upon request of a payor, the Title IV-D agency shall furnish the payor a copy of the income deduction order. The income deduction shall be implemented by serving an income deduction notice upon the payor.

~~5.2-~~ If a support order entered before January 1, 1994, 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 paragraph (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 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 as 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 order ~~notice~~ applies to current and subsequent payors and periods of employment.

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

5. That enforcement of the income deduction order notice 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, the payor, or the obligee.

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. If a support order was entered before January 1, 1994, or when the court orders the income deduction to be effective upon a delinquency as provided in subparagraph (a)2. or paragraph (c), the obligee or, in Title IV-D cases, the Title IV-D agency may enforce the income deduction by serving a notice of delinquency on the obligor under this subsection.

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 order notice 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 order or, in Title IV-D cases, the income deduction notice, unless the obligor applies to the court to contest enforcement of the income deduction. The application shall be filed within 15 days after the date the notice of delinquency was served.

g. That enforcement of the income deduction order notice 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, the payor, or the obligee.

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 or, in Title IV-D cases, the income deduction notice 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 income deduction order notice in accordance with 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 notice to payor, or, in Title IV-D cases, the Title IV-D agency shall issue an income deduction notice, 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 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 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 payor, or the obligee. 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 order or, in Title IV-D cases, income deduction notice on all payors of the obligor until a hearing is held and a determination is made as to whether enforcement of the income deduction order is proper. The payment of a delinquent obligation by an obligor upon entry issuance of an income deduction order notice shall not preclude service of the income deduction order or, in Title IV-D cases, an income deduction notice 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~~ is proper, it shall specify the date the income deduction order ~~notice~~ must be served on the obligor's payor.

(d) When a court determines that an income deduction order ~~notice~~ 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 order or, in Title IV-D cases, income deduction notice, and in the case of a delinquency a notice of delinquency, shall also be furnished to the obligor.

(e) Notice to payor and income deduction notice. The notice to payor or, in Title IV-D cases, income deduction notice shall contain only information necessary for the payor to comply with the order providing for income deduction. 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 income deduction no later than the first payment date which occurs more than 14 days after the date the income deduction notice was served on the payor, and the payor shall conform to the amount specified in the income deduction order or, in Title IV-D cases, income deduction notice 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 order or, in Title IV-D cases, income deduction notice, 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 notice to payor or, in Title IV-D cases, income deduction notice, 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 the requirement for an income deduction ~~notice~~ 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~~, 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~~. 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 requirement for income deduction ~~notice~~ has priority over all other legal processes under state law pertaining to the same income and that payment, as required by the notice to payor or income deduction notice, 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 receives notices to payor or income deduction notices 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 notice to payor or income deduction notice against the same obligor, the payor shall contact the court or, in Title IV-D cases, the Title IV-D agency for further instructions. Upon being so contacted, the court or, in Title IV-D cases when all the cases upon which the notices are based are Title IV-D cases, the Title IV-D agency 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 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 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 an income deduction order 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 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 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, pursuant to this section or the Uniform Interstate Family Support Act, 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 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 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 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 against the same obligor, ~~the court shall allocate~~ amounts available for income deduction must be allocated among all obligee families as follows:

(a) For computation purposes, ~~the court shall convert~~ all obligations must be converted 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, must be determined. ~~The court shall determine~~ The amount of income available for deduction is determined by multiplying that percentage figure by the obligor's net income ~~and determine the sum of all of the support obligations~~.

(b) ~~If the total monthly support obligation to all families is less than the amount of income available for deduction, the full amount of each obligation must be deducted. 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 total monthly support obligation to all families is greater than the amount of income available for deduction, the amount of the deduction must be prorated, giving priority to current support, so that each family is allocated a percentage of the amount deducted. The percentage to be allocated to each family is determined by dividing each current support obligation by the total of all current support obligations. If the total of all current support obligations is less than the income available for deduction, and past due support is owed to more than one family, then the remainder of the available income must be prorated so that each family is allocated a percentage of the remaining income available for deduction. The percentage to be allocated to each family is determined by dividing each past-due support obligation by the total of all past-due support obligations. 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 10. Section 63.181, Florida Statutes, is 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, 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.

(2)(a) The depository shall impose and collect a fee on each payment made for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments as required under this section, which fee shall be a flat fee based, to the extent practicable, upon estimated reasonable costs of operation. The fee shall be reduced in any case in which the fixed fee results in a charge to any party of an amount greater than 3 percent of the amount of any support payment made in satisfaction of the amount which the party is obligated to pay, except that no fee shall be less than \$1 nor more than \$5 per payment made. The fee shall be considered

by the court in determining the amount of support that the obligor is, or may be, required to pay.

(b)1. For the period of July 1, 1992, through June 30, 1999, the fee imposed in paragraph (a) shall be increased to 4 percent of the support payments which the party is obligated to pay, except that no fee shall be more than \$5.25. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay. Notwithstanding the provisions of s. 145.022, 75 percent of the additional revenues generated by this paragraph shall be remitted monthly to the Clerk of the Court Child Support Enforcement Collection System Trust Fund administered by the department as provided in subparagraph 2. These funds shall be used exclusively for the development, implementation, and operation of an automated child support enforcement collections system to be operated by the depositories. The department shall contract with the Florida Association of Court Clerks and Comptrollers and the depositories to design, establish, operate, upgrade, and maintain the automation of the depositories to include, but not be limited to, the provision of on-line electronic transfer of information to the IV-D agency as otherwise required by this chapter. Each depository created under this section shall fully participate in the automated child support enforcement collection system on or before July 1, 1997, and transmit data in a readable format as required by the contract between the Florida Association of Court Clerks and Comptrollers and the department. ~~The department may at its discretion exempt a depository from compliance with full participation in the automated child support enforcement collection system.~~

2. No later than December 31, 1996, moneys to be remitted to the department by the depository shall be done daily by electronic funds transfer and calculated as follows:

- a. For each support payment of less than \$33, 18.75 cents.
 - b. For each support payment between \$33 and \$140, an amount equal to 18.75 percent of the fee charged.
 - c. For each support payment in excess of \$140, 18.75 cents.
3. Prior to June 30, 1995, the depositories and the department shall provide the Legislature with estimates of the cost of continuing the collection and maintenance of information required by this act.
4. The fees established by this section shall be set forth and included in every order of support entered by a court of this state which requires payment to be made into the depository.

(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, if a payment on a Title IV-D case 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.

(b) The depository may require a payor or obligor to complete an information form, which shall request the following about the payor or obligor who provides payment by check:

1. Full name, address, and home phone number.
2. Driver's license number.
3. Social security number.
4. Name, address, and business phone number of obligor's employer.
5. Date of birth.
6. Weight and height.
7. Such other information as may be required by the State Attorney if prosecution for an insufficient check becomes necessary.

If the depository requests such information, and a payor or obligor does not comply, the depository may refuse to accept personal checks from the payor or obligor.

(c) Parties using the depository for support payments shall inform the depository of changes in their names or addresses. An obligor shall, additionally, notify the depository of all changes in employment or sources of income, including the payor's name and address, and changes in the amounts of income received. Notification of all changes shall be made in writing to the depository within 7 days of a change.

(d) When custody of a child is relinquished by a custodial parent who is entitled to receive child support moneys from the depository to a licensed or

registered long-term care child agency, that agency may request from the court an order directing child support payments which would otherwise be distributed to the custodial parent be distributed to the agency for the period of custody of the child by the agency. Thereafter, payments shall be distributed to the agency as if the agency were the custodial parent until further order of the court.

(4) The depository shall provide to the IV-D agency, at least once a month, a listing of IV-D accounts which identifies all delinquent accounts, the period of delinquency, and total amount of delinquency. The list shall be in alphabetical order by name of obligor, shall include the obligee's name and case number, and shall be provided at no cost to the IV-D agency.

(5) The depository shall accept a support payment tendered in the form of a check drawn on the account of a payor or obligor, unless the payor or obligor has previously remitted a check which was returned to the depository due to lack of sufficient funds in the account. If the payor or obligor has had a check returned for this reason, the depository shall accept payment by cash, cashier's check, or money order, or may accept a check upon deposit by the payor or obligor of an amount equal to 1 month's payment. Upon payment by cash, cashier's check, or money order, the depository shall disburse the proceeds to the obligee within 2 working days. Payments drawn by check on the account of a payor or obligor shall be disbursed within 4 working days. Notwithstanding the provisions of s. 28.243, the administrator of the depository shall not be personally liable if the check tendered by the payor or obligor is not paid by the bank.

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

(7) The depository shall provide to the Title IV-D agency the date provided by a payor, as required in s. 61.1301, for each payment received and forwarded to the agency. If no date is provided by the payor, the depository shall provide the date of receipt by the depository and shall report to the Title IV-D agency those payors who fail to provide the date the deduction was made.

(8) On or before July 1, 1994, the depository shall provide information required by this chapter to be transmitted to the Title IV-D agency by on-line electronic transmission pursuant to rules promulgated by the Title IV-D agency.

(9) If the increase in fees as provided by paragraph (2)(b) expires or is otherwise terminated, the depository shall not be required to provide the Title IV-D agency the date provided by a payor as required by s. 61.1301.

(10) Compliance with the requirements of this section shall be included as part of the annual county audit required pursuant to s. 11.45.

(11) The Office of Program Policy Analysis and Government Accountability shall conduct a program audit of the central child support enforcement depositories operating pursuant to this section. This audit shall include, but

not be limited to, an analysis of current and pending federal requirements for the child support enforcement depository and a review of the adequacy of the present depository and funds distribution system to meet those requirements; a cost analysis of the current system; and a review of all strategies, including federal reimbursement, distribution of funds by the local depository, and privatization, to increase efficiency in payment processing. The audit must be completed and a report must be submitted to the Senate and the House of Representatives before December 1, 1996. This subsection shall not affect the implementation of any other parts of this section.

(12) The Office of Program Policy Analysis and Government Accountability is directed to evaluate the Dade County Child Support Enforcement demonstration project administered by the state attorney for the eleventh judicial circuit, and the Manatee County Child Support Enforcement demonstration project administered by the clerk of the circuit court. The office shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives, no later than January 1, 1999.

Section 11. Paragraph (a) of subsection (1) and subsections (8) and (17) of section 61.30, Florida Statutes, are amended to read:

61.30 Child Support guidelines; retroactive child support.—

(1)(a) The child support guideline amount as determined by this section presumptively establishes the amount the trier of fact shall order as child support in an initial proceeding for such support or in a proceeding for modification of an existing order for such support, whether the proceeding arises under this or another chapter. The trier of fact may order payment of child support which varies, plus or minus 5 percent, from the guideline amount, after considering all relevant factors, including the needs of the child or children, age, station in life, standard of living, and the financial status and ability of each parent. The trier of fact may order payment of child support in an amount which varies more than 5 percent from such guideline amount only upon a written finding, ~~or a specific finding on the record,~~ explaining why ordering payment of such guideline amount would be unjust or inappropriate.

(8) Health insurance costs resulting from coverage ordered pursuant to s. 61.13(1)(b), and any noncovered medical, dental, and prescription medication expenses of the child, shall be added to the basic obligation unless these expenses have been ordered to be separately paid on a percentage basis. After the health insurance costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for health-related costs ~~health insurance~~ for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children.

(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, not to exceed a period of 24 months preceding the filing of the petition, 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. Subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance with applicable procedures in any mortgage foreclosure action in which the department has a duly filed tax warrant, or interests under a lien arising from a judgment, order, or decree for child support, against the subject property and with the same priority, regardless of whether a default against the department has been entered for failure to file an answer or other responsive pleading.

(b) With respect to a duly filed tax warrant, paragraph (a) applies only to mortgage foreclosure actions initiated on or after July 1, 1994, and to those mortgage foreclosure actions initiated before July 1, 1994, in which no default has been entered against the Department of Revenue before July 1, 1994. With respect to mortgage foreclosure actions initiated based upon interests under a lien arising from a judgment, order, or decree for child support, paragraph (a) applies only to mortgage foreclosure actions initiated on or after July 1, 1998, and to those mortgage foreclosure actions initiated before July 1, 1998, in which no default has been entered against the Department of Revenue before July 1, 1998.

Section 13. Subsection (4) of section 319.24, Florida Statutes, is amended to read:

319.24 Issuance in duplicate; delivery; liens and encumbrances.—

(4) If the owner of the motor vehicle or mobile home, as shown on the title certificate, or the director of the state child support enforcement program, or the director's designee, desires to place a second or subsequent lien or encumbrance against the motor vehicle or mobile home when the title certificate is in the possession of the first lienholder, the owner shall send a written request to the first lienholder by certified mail, and such first lienholder shall forward the certificate to the department for endorsement. If

the title certificate is in the possession of the owner, the owner shall forward the certificate to the department for endorsement. The department shall return the certificate to either the first lienholder or to the owner, as indicated in the notice of lien filed by the first lienholder, after endorsing the second or subsequent lien on the certificate and on the duplicate. If the first lienholder or owner fails, neglects, or refuses to forward the certificate of title to the department within 10 days from the date of the owner's or the director's or designee's request, the department, on the written request of the subsequent lienholder or an assignee thereof, shall demand of the first lienholder the return of such certificate for the notation of the second or subsequent lien or encumbrance.

Section 14. Subsection (4) of section 319.32, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to said section to read:

319.32 Fees; service charges; disposition.—

(4) The department shall charge a fee of \$7 for each lien placed on a motor vehicle by the state child support enforcement program pursuant to s. 319.24.

Section 15. Subsection (2) of section 372.561, Florida Statutes, is amended to read:

372.561 Issuance of licenses to take wild animal life or freshwater aquatic life; costs; reporting.—

(2) The commission shall issue licenses and permits to take wild animal life or freshwater aquatic life upon proof by the applicant for licensure that she or he is entitled to such license or permit. The commission shall establish the forms for such licenses and permits. Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. 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 and use by the commission, and as otherwise provided by law.

Section 16. The introductory paragraph of section 372.57, Florida Statutes, is amended to read:

372.57 Licenses and permits; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization and paid the fees hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license, permit, or authorization shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license, permit, or authorization is not transferable. Each license or permit must bear on its face in indelible ink the name of the person to whom it is issued and other information requested by the commission. Such license, permit, or authorization issued by the commission or any agent must be in the personal possession of the person to whom issued while taking game,

freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license, permit, or authorization to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using an authorization, a lifetime license, a 5-year license, or when otherwise required by the license or permit. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, the date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany all applications for a lifetime license for residents 12 years of age and younger. Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D child support enforcement program and use by the commission, and as otherwise provided by law.

Section 17. Section 372.574, Florida Statutes, is amended to read:

372.574 Appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits.—

(1) A county tax collector who elects to sell licenses and permits may appoint any person as a subagent for the sale of fishing, hunting, and trapping licenses and permits that the tax collector is allowed to sell. The following are requirements for subagents:

(a) Each subagent must serve at the pleasure of the county tax collector.

(b) Neither an employee of the county tax collector nor her or his relative or next of kin, by blood or otherwise, may be appointed as a subagent.

(c) The tax collector may require each subagent to post an appropriate bond as determined by the tax collector, using an insurance company acceptable to the tax collector. In lieu of such bond, the tax collector may purchase blanket bonds covering all or selected subagents or may allow a subagent to post such other security as is required by the tax collector.

(d) A subagent may sell licenses and permits as are determined by the tax collector at such specific locations within the county and in states contiguous to Florida as will best serve the public interest and convenience in obtaining licenses and permits. The commission may uniformly prohibit subagents from selling certain licenses or permits.

(e) It is unlawful for any person to handle licenses or permits for a fee or compensation of any kind unless she or he has been appointed as a subagent.

(f) Any person who willfully violates any of the provisions of this law is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(g) A subagent may charge and receive as her or his compensation 50 cents for each license or permit sold. This charge is in addition to the sum

required by law to be collected for the sale and issuance of each license or permit.

(h) A subagent shall submit payment for and report the sale of licenses and permits to the tax collector as prescribed by the tax collector but no less frequently than monthly.

(i) Subagents shall submit an activity report, for sales made during the reporting period on forms prescribed or approved by the commission. Periodic audits may be performed at the discretion of the commission.

(2) If a tax collector elects not to appoint subagents, the commission may appoint subagents within that county. Subagents shall serve at the pleasure of the commission. The commission may establish, by rule, procedures for selection of subagents. The following are requirements for subagents so appointed:

(a) The commission may require each subagent to post an appropriate bond as determined by the commission, using an insurance company acceptable to the commission. In lieu of the bond, the commission may purchase blanket bonds covering all or selected subagents or may allow a subagent to post other security as required by the commission.

(b) A subagent may sell licenses and permits as authorized by the commission at specific locations within the county and in states as will best serve the public interest and convenience in obtaining licenses and permits. The commission may prohibit subagents from selling certain licenses or permits.

(c) It is unlawful for any person to handle licenses or permits for a fee or compensation of any kind unless he or she has been appointed as a subagent.

(d) Any person who willfully violates any of the provisions of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) A subagent may charge and receive as his or her compensation 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit. In addition, no later than July 1, 1997, a subagent fee for the sale of licenses over the telephone by credit card shall be established by competitive bid procedures which are overseen by the Game and Fresh Water Fish Commission.

(f) A subagent shall submit payment for and report the sale of licenses and permits to the commission as prescribed by the commission.

(g) Subagents shall maintain records of all licenses and permits sold and all stamps issued, voided, stolen, or lost. Subagents are responsible to the commission for the fees for all licenses and permits sold and for the value of all stamps reported as lost. Subagents must report all stolen validation stamps to the appropriate law enforcement agency. The subagent shall submit a written report and a copy of the law enforcement agency's report

to the commission within 5 days after discovering the theft. The value of a lost validation stamp is \$5.

(h) Subagents shall submit an activity report, for sales made during the reporting period on forms prescribed or approved by the commission. Periodic audits may be performed at the discretion of the commission.

(i) By July 15 of each year, each subagent shall submit to the commission all unissued stamps for the previous year along with a written audit report, on forms prescribed or approved by the commission, on the numbers of the unissued stamps.

(3) All social security numbers which are provided pursuant to ss. 372.561 and 372.57 and are contained in records of any subagent appointed pursuant to this section are confidential as provided in those sections.

Section 18. Subsection (1) of section 382.008, Florida Statutes, 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 filed on a form prescribed by the department with the local registrar of the district in which the death occurred within 5 days after such death and prior to final disposition, and shall be registered by such registrar if it has been completed and filed in accordance with this chapter or adopted rules. The certificate shall include the decedent's social security number, if available. 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 and as otherwise provided by law. In addition, each certificate of death or fetal death:

(a) If requested by the informant, shall include aliases or “also known as” (AKA) names of a decedent in addition to the decedent's name of record. Aliases shall be entered on the face of the death certificate in the space provided for name if there is sufficient space. If there is not sufficient space, aliases may be recorded on the back of the certificate and shall be considered part of the official record of death;

(b) If the place of death is unknown, shall be registered in the registration district in which the dead body or fetus is found within 5 days after such occurrence; and

(c) If death occurs in a moving conveyance, shall be registered in the registration district in which the dead body was first removed from such conveyance.

Section 19. Section 382.013, Florida Statutes, is amended to read:

382.013 Birth registration.—A certificate for each live birth that occurs in this state shall be filed within 5 days after such birth with the local registrar of the district in which the birth occurred and shall be registered by the local registrar if the certificate has been completed and filed in

accordance with this chapter and adopted rules. The information regarding registered births shall be used for comparison with information in the state case registry, as defined in chapter 61.

(1) FILING.—

(a) If a birth occurs in a hospital, birth center, or other health care facility, or en route thereto, the person in charge of the facility shall be responsible for preparing the certificate, certifying the facts of the birth, and filing the certificate with the local registrar. Within 48 hours after the birth, the physician, midwife, or person in attendance during or immediately after the delivery shall provide the facility with the medical information required by the birth certificate.

(b) If a birth occurs outside a facility and the child is not taken to the facility within 3 days after delivery, the certificate shall be prepared and filed by one of the following persons in the indicated order of priority:

1. The physician or midwife in attendance during or immediately after the birth.

2. In the absence of persons described in subparagraph 1., any other person in attendance during or immediately after the birth.

3. In the absence of persons described in subparagraph 2., the father or mother.

4. In the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(c) If a birth occurs in a moving conveyance and the child is first removed from the conveyance in this state, the birth shall be filed and registered in this state and the place to which the child is first removed shall be considered the place of birth.

(d) At least one of the parents of the child shall attest to the accuracy of the personal data entered on the certificate in time to permit the timely registration of the certificate.

(e) If a certificate of live birth is incomplete, the local registrar shall immediately notify the health care facility or person filing the certificate and shall require the completion of the missing items of information if they can be obtained prior to issuing certified copies of the birth certificate.

(f) Regardless of any plan to place a child for adoption after birth, the information on the birth certificate as required by this section must be as to the child's birth parents unless and until an application for a new birth record is made under s. 63.152.

(2) PATERNITY.—

(a) If the mother is married at the time of birth, the name of the husband shall be entered on the birth certificate as the father of the child, unless

paternity has been determined otherwise by a court of competent jurisdiction.

(b) If the husband of the mother dies while the mother is pregnant but before the birth of the child, the name of the deceased husband shall be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.

(c) If the mother is not married at the time of birth, the name of the father may not be entered on the birth certificate without the execution of a consenting affidavit signed by both the mother and the person to be named as the father. After giving notice orally or through the use of video or audio equipment, 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, the facility shall provide the mother and the person to be named as the father with the affidavit, 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. Upon request of the mother and the person to be named as the father, the facility shall assist in the execution of the affidavit.

(d) If the paternity of the child is determined by a court of competent jurisdiction as provided under s. 382.015, the name of the father and the surname of the child shall be entered on the certificate in accordance with the finding and order of the court. If the court fails to specify a surname for the child, the surname shall be entered in accordance with subsection (3).

(e) If the father is not named on the certificate, no other information about the father shall be entered on the certificate.

(3) NAME OF CHILD.—

(a) If the mother is married at the time of birth, the mother and father whose names are entered on the birth certificate shall select the given names and surname of the child if both parents have custody of the child, otherwise the parent who has custody shall select the child's name.

(b) If the mother and father whose names are entered on the birth certificate disagree on the surname of the child and both parents have custody of the child, the surname selected by the father and the surname selected by the mother shall both be entered on the birth certificate, separated by a hyphen, with the selected names entered in alphabetical order. If the parents disagree on the selection of a given name, the given name may not be entered on the certificate until a joint agreement that lists the agreed upon given name and is notarized by both parents is submitted to the department, or until a given name is selected by a court.

(c) If the mother is not married at the time of birth, the parent person who will have custody of the child shall select the child's given name and surname.

(d) If multiple names of the child exceed the space provided on the face of the birth certificate they shall be listed on the back of the certificate. Names listed on the back of the certificate shall be part of the official record.

(4) UNDETERMINED PARENTAGE.—A birth certificate shall be registered for every child of undetermined parentage showing all known or approximate facts relating to the birth. To assist in later determination, information concerning the place and circumstances under which the child was found shall be included on the portion of the birth certificate relating to marital status and medical details. In the event the child is later identified to the satisfaction of the department, a new birth certificate shall be prepared which shall bear the same number as the original birth certificate, and the original certificate shall be sealed and filed, shall be confidential and exempt from the provisions of s. 119.07(1), and shall not be opened to inspection by, nor shall certified copies of the same be issued except by court order to, any person other than the registrant if of legal age.

(5) DISCLOSURE.—The original certificate of live birth shall contain all the information required by the department for legal, social, and health research purposes. However, all information concerning parentage, marital status, and medical details shall be confidential and exempt from the provisions of s. 119.07(1), except for health research purposes as approved by the department, nor shall copies of the same be issued except as provided in s. 382.025.

Section 20. Subsection (3) is added to section 409.2557, Florida Statutes, to read:

409.2557 State agency for administering child support enforcement program.—

(3) Specific rulemaking authority.—The department has the authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement all laws administered by the department in its capacity as the Title IV-D agency for this state including, but not limited to, the following:

(a) background screening of department employees and applicants, including criminal records checks;

(b) confidentiality and retention of department records; access to records; record requests;

(c) department trust funds;

(d) federal funding procedures;

(e) agreements with law enforcement and other state agencies; National Crime Information Center (NCIC) access; Parent Locator Service access;

(f) written agreements entered into between the department and child support obligors in establishment, enforcement, and modification proceedings;

(g) procurement of services by the department, pilot programs, and demonstration projects;

(h) management of cases by the department involving any documentation or procedures required by federal or state law, including but not limited to, cooperation; review and adjustment; audits; interstate actions; diligent efforts for service of process;

(i) department procedures for orders for genetic testing; subpoenas to establish, enforce or modify orders; increasing the amount of monthly obligations to secure delinquent support; suspending or denying driver's and professional licenses and certificates; fishing and hunting license suspensions; suspending vehicle and vessel registrations, screening applicants for new or renewal licenses, registrations, or certificates; income deduction; credit reporting and accessing; tax refund intercepts; passport denials; liens; financial institution data matches; expedited procedures; medical support; and all other responsibilities of the department as required by state or federal law;

(j) collection and disbursement of child support and alimony payments by the department as required by federal law; collection of genetic testing costs and other costs awarded by the court;

(k) report information to and receive information from other agencies and entities;

(l) provide location services, including accessing from and reporting to federal and state agencies;

(m) privatizing location, establishment, enforcement, modification and other functions;

(n) state case registry;

(o) state disbursement unit; and

(p) all other responsibilities of the department as required by state or federal law;

Section 21. Section 409.2558, Florida Statutes, is created to read:

409.2558 Child support distribution and disbursement.—The department shall distribute and disburse child support payments collected in Title IV-D cases in accordance with 42 U.S.C. s. 657 and regulations adopted thereunder by the Secretary of the United States Department of Health and Human Services.

Section 22. Section 409.2559, Florida Statutes, is created to read:

409.2559 State disbursement unit.—The department shall establish and operate a state disbursement unit by October 1, 1999, as required by 42 U.S.C. s. 654(27).

Section 23. Subsection (1) of section 409.2561, Florida Statutes, is amended to read:

409.2561 Child support obligations when public assistance is paid ~~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. In accordance with 42 U.S.C. s. 657, the state shall retain amounts collected only to the extent necessary to reimburse amounts paid to the family as assistance by the state. 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 24. Subsections (8) and (9) of section 409.2564, Florida Statutes, are amended to read:

409.2564 Actions for support.—

(8) The director of the Title IV-D agency, or the director's designee, is authorized to subpoena from any person 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 child support enforcement 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 making application to the court for an order compelling compliance with a subpoena ~~imposition of a fine~~, the department shall issue a written notification of noncompliance. Failure to comply within 15 days

~~after~~ 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 provided under 45 C.F.R. s. 301.1 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.

Section 25. Subsection (1) of section 409.25641, Florida Statutes, is amended to read:

409.25641 Procedures for processing automated administrative inter-state enforcement requests.—

(1) The Title IV-D agency shall use automated administrative enforcement in response to a request from another state to enforce a support order and shall promptly report the results of enforcement action to the requesting state. "Automated administrative enforcement" means the use of automated data processing to search state databases and determine whether information is available regarding the parent who owes a child support obligation. The Title IV-D agency shall respond within 5 business days to a request from another state to enforce a support order.

Section 26. Section 409.25658, Florida Statutes, is created to read:

409.25658 Use of unclaimed property for past-due child support.—

(1) In a joint effort to facilitate the collection and payment of past-due child support, the Department of Revenue, in cooperation with the Department of Banking and Finance, shall identify persons owing child support collected through a court who are presumed to have abandoned property held by the Department of Banking and Finance.

(2) The department shall periodically provide the Department of Banking and Finance with an electronic file of child support obligors who owe past-due child support. The Department of Banking and Finance shall conduct a data match of the file against all apparent owners of abandoned property under chapter 717 and provide the resulting match list to the department.

(3) Upon receipt of the data match list, the department shall provide to the Department of Banking and Finance the obligor's last known address. The Department of Banking and Finance shall follow the notification procedures under s. 717.118.

(4) Prior to paying an obligor's approved claim, the Department of Banking and Finance shall notify the department that such claim has been approved. Upon confirmation that the Department of Banking and Finance has approved the claim, the department shall immediately send a notice by certified mail to the obligor, with a copy to the Department of Banking and Finance, advising the obligor of the department's intent to intercept the approved claim up to the amount of the past-due child support, and informing the obligor of the obligor's right to request a hearing under chapter 120. The Department of Banking and Finance shall retain custody of the property until a final order has been entered and any appeals thereon have been concluded. If the obligor fails to request a hearing, the department shall enter a final order instructing the Department of Banking and Finance to transfer to the department the property in the amount stated in the final order. Upon such transfer, the Department of Banking and Finance shall be released from further liability related to the transferred property.

(5) The provisions of this section provide a supplemental remedy and the department may use this remedy in conjunction with any other method of collecting child support.

Section 27. Section 409.2567, Florida Statutes, is amended to read:

409.2567 Services to individuals not otherwise eligible.—All child support 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 Program Revenue 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 Health and Human Services Fiscal 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 28. Subsection (4) is added to section 409.2572, Florida Statutes, to read:

409.2572 Cooperation.—

(4) The Title IV-D agency shall determine whether an applicant for or recipient of public assistance for a dependent child has good cause for failing to cooperate with the Title IV-D agency as required by this section.

Section 29. Section 409.2575, Florida Statutes, is amended to read:

409.2575 Liens on motor vehicles and vessels.—

(1) The director of the state IV-D program, or the director's designee, may cause a lien for unpaid and delinquent support to be placed upon motor vehicles, as defined in chapter 320, and upon vessels, as defined in chapter 327, that are registered in the name of an obligor who is delinquent in support payments, if the title to the property is held by a lienholder, in the manner provided in chapter 319 or chapter 328. Notice of lien shall not be mailed unless the delinquency in support exceeds \$600.

(2) If the first lienholder fails, neglects, or refuses to forward the certificate of title to the appropriate department as requested pursuant to s. 319.24 or s. 328.15, the director of the IV-D program, or the director's designee, may apply to the circuit court for an order to enforce the requirements of s. 319.24 or s. 328.15, whichever applies.

Section 30. Paragraph (c) of subsection (3) of section 409.2576, Florida Statutes, is amended 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.—

(3) EMPLOYERS TO FURNISH REPORTS.—

(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 and those programs listed in subsection (9).

(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 s. 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.

Section 31. Paragraph (b) of subsection (2) and subsection (3) of section 409.2578, Florida Statutes, are amended to read:

409.2578 Access to employment information; administrative fine.—

(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:

(b) The application by the Title IV-D agency or its designee, to the circuit court for an order ~~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.

Section 32. Subsections (1), (3), (4), and (5) of section 409.2579, Florida Statutes, are 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 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;

(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; and

(e) Mandatory disclosure of identifying and location information as provided in s. 61.13(9) by the IV-D program when providing Title IV-D services.

(3) As required by federal law, 42 U.S.C. s. 654(26), upon notice that such an order exists, the IV-D program shall not disclose information on the whereabouts of one party or the child to the other party against whom a protective order with respect to the former party or the child has been entered.

(4) As required by federal law, 42 U.S.C. s. 654(26), the IV-D program shall not disclose information on the whereabouts of one party or the child to another person party if the program has reason to believe that the release of information to that person may result in physical or emotional harm to the former party or the child.

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

(6) 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 33. Subsection (7) of section 414.095, Florida Statutes, is amended to read:

414.095 Determining eligibility for the WAGES Program.—

(7) CHILD SUPPORT ENFORCEMENT.—As a condition of eligibility for public temporary cash assistance, the family must cooperate with the state agency responsible for administering the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. Cooperation is defined as:

(a) Assisting in identifying and locating a noncustodial parent and providing complete and accurate information on that parent;

(b) Assisting in establishing paternity; and

(c) Assisting in establishing, modifying, or enforcing a support order with respect to a child of a family member.

This subsection does not apply if the state agency that administers the child support enforcement program determines that the parent or caretaker relative has good cause for failing to cooperate.

Section 34. Paragraph (a) of subsection (1) of section 414.32, Florida Statutes, is amended to read:

414.32 Prohibitions and restrictions with respect to food stamps.—

(1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT AGENCY.—

(a) A parent or caretaker relative who receives temporary cash assistance or food stamps on behalf of a child under 18 years of age who has an absent parent is ineligible for food stamps unless the parent or caretaker relative cooperates with the state agency that administers the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. This paragraph does not apply if the state agency that administers the child support enforcement program determines that the parent or caretaker relative has good cause for failing to cooperate ~~in establishing the paternity of the child.~~

Section 35. Paragraph (b) of subsection (3) of section 443.051, Florida Statutes, is amended to read:

443.051 Benefits not alienable; exception, child support intercept.—

(3) EXCEPTION, CHILD SUPPORT INTERCEPT.—

(b) The division shall deduct and withhold from any unemployment compensation otherwise payable to an individual who owes child support obligations:

1. The amount specified by the individual to the division to be deducted and withheld under this section;

2. The amount determined pursuant to an agreement submitted to the division under s. 454(20)(B)(i) of the Social Security Act by the state or local child support enforcement agency; or

3. Any amount otherwise required to be deducted and withheld from such unemployment compensation through legal process as defined in s. 459 ~~s. 462(e)~~ of the Social Security Act.

Section 36. Subsection (2) of section 443.1715, Florida Statutes, 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 information extracts of the reports required under s. 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 37. Subsection (9) of section 455.213, Florida Statutes, is amended to read:

455.213 General licensing provisions.—

(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 and use by the Department of Business and Professional Regulation, and as otherwise provided by law.

Section 38. 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 or her an affidavit in writing, signed by both parties to the marriage, providing the social security numbers or other identification 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. However, when an individual is not a citizen of the United States and does not have a social security number, alien registration documentation, or other proof of immigration registration from the United States Immigration and Naturalization Service that contains the individual's alien admission number or alien file number, or such other documents as the state determines constitutes reasonable evidence indicating a satisfactory immigration status, shall be provided in lieu of the social security number. Disclosure of social security numbers or other identification numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 39. Subsection (2) of section 742.032, Florida Statutes, is amended to read:

742.032 Filing of location information.—

(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 court of competent jurisdiction shall ~~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.

Section 40. Subsection (6) of section 61.14, Florida Statutes, is amended to read:

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

(6)(a)1. When support payments are made through the local depository, any payment or installment of support which becomes due and is unpaid under any support order is delinquent; and this unpaid payment or installment, and all other costs and fees herein provided for, become, after notice to the obligor and the time for response as set forth in this subsection, a final judgment by operation of law, which has the full force, effect, and attributes of a judgment entered by a court in this state for which execution may issue. No deduction shall be made by the local depository from any payment made for costs and fees accrued in the judgment by operation of law process under paragraph (b) until the total amount of support payments due the obligee under the judgment has been paid.

2. A certified copy of the support order and a certified statement by the local depository evidencing a delinquency in support payments constitute evidence of the final judgment under this paragraph.

3. The judgment under this paragraph is a final judgment as to any unpaid payment or installment of support which has accrued up to the time

either party files a motion with the court to alter or modify the support order, and such judgment may not be modified by the court. The court may modify such judgment as to any unpaid payment or installment of support which accrues after the date of the filing of the motion to alter or modify the support order. This subparagraph does not prohibit the court from providing relief from the judgment pursuant to Florida Rule of Civil Procedure 1.540.

(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 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.

(c) Within 15 days after service of the notice is complete, the obligor may file with the court that issued the support order, or with the court in the circuit where the local depository which served the notice is located, a motion to contest the impending judgment. An obligor may contest the impending judgment only on the ground of a mistake of fact regarding an error in whether a delinquency exists, in the amount of the delinquency, or in the identity of the obligor.

(d) The court shall hear the obligor's motion to contest the impending judgment within 15 days after the date of the filing of the motion. Upon the court's denial of the obligor's motion, the amount of the delinquency and all other amounts which thereafter become due, together with costs and a fee of \$5, become a final judgment by operation of law against the obligor. The depository shall charge interest at the rate established in s. 55.03 on all judgments for child support.

(e) If the obligor fails to file a motion to contest the impending judgment within the time limit prescribed in paragraph (c) and fails to pay the amount of the delinquency and all other amounts which thereafter become due, together with costs and a fee of \$5, such amounts become a final judgment by operation of law against the obligor at the expiration of the time for filing a motion to contest the impending judgment.

(f)1. Upon request of any person, the local depository shall issue, upon payment of a fee of \$5, a payoff statement of the total amount due under the judgment at the time of the request. The statement may be relied upon by the person for up to 30 days from the time it is issued unless proof of satisfaction of the judgment is provided.

2. When the depository records show that the obligor's account is current, the depository shall record a satisfaction of the judgment upon request of any interested person and upon receipt of the appropriate recording fee. Any person shall be entitled to rely upon the recording of the satisfaction.

3. The local depository, at the direction of the department, or the obligee in a non-IV-D case, may partially release the judgment as to specific real property, and the depository shall record a partial release upon receipt of the appropriate recording fee.

4. The local depository is not liable for errors in its recordkeeping, except when an error is a result of unlawful activity or gross negligence by the clerk or his or her employees.

Section 41. Section 61.046, Florida Statutes, is amended to read:

61.046 Definitions.—As used in this chapter:

(1) “Business day” means any day other than a Saturday, Sunday, or legal holiday.

(2) “Clerk of Court Child Support Collection System” or “CLERC System” means the automated system established pursuant to s. 61.181(2)(b)1., integrating all clerks of court and depositories and through which payment data and State Case Registry data is transmitted to the department’s automated child support enforcement system.

(3)(1) “Custodial parent” or “primary residential parent” means the parent with whom the child maintains his or her primary residence.

(4)(2) “Department” means the Department of Revenue.

(5)(3) “Depository” means the central governmental depository established pursuant to s. 61.181, created by special act of the Legislature or other entity established before June 1, 1985, to perform depository functions and to receive, record, report, disburse, monitor, and otherwise handle alimony and child support payments not otherwise required to be processed by the State Disbursement Unit.

(6) “Federal Case Registry of Child Support Orders” means the automated registry of support order abstracts and other information established and maintained by the United States Department of Health and Human Services as provided by 42 U.S.C. s. 653(h).

(7)(4) “Income” means any form of payment to an individual, regardless of source, including, but not limited to: wages, salary, commissions and bonuses, compensation as an independent contractor, worker’s compensation, disability benefits, annuity and retirement benefits, pensions, divi-

dends, interest, royalties, trusts, and any other payments, made by any person, private entity, federal or state government, or any unit of local government. United States Department of Veterans Affairs disability benefits and unemployment compensation, as defined in chapter 443, are excluded from this definition of income except for purposes of establishing an amount of support.

~~(8)~~⁽⁵⁾ “IV-D” means services provided pursuant to Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq s. 1302.

~~(9)~~⁽⁶⁾ “Local officer” means an elected or appointed constitutional or charter government official including, but not limited to, the state attorney and clerk of the circuit court.

~~(10)~~⁽⁷⁾ “Noncustodial parent” means the parent with whom the child does not maintain his or her primary residence.

~~(11)~~⁽⁸⁾ “Obligee” means the person to whom payments are made pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support.

~~(12)~~⁽⁹⁾ “Obligor” means a person responsible for making payments pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support.

~~(13)~~⁽¹⁰⁾ “Payor” means an employer or former employer or any other person or agency providing or administering income to the obligor.

~~(14)~~⁽¹¹⁾ “Shared parental responsibility” means a court-ordered relationship in which both parents retain full parental rights and responsibilities with respect to their child and in which both parents confer with each other so that major decisions affecting the welfare of the child will be determined jointly.

~~(15)~~⁽¹²⁾ “Sole parental responsibility” means a court-ordered relationship in which one parent makes decisions regarding the minor child.

~~(16)~~⁽¹³⁾ “State Case Registry” means the automated a registry maintained by the Title IV-D agency, containing records of each Title IV-D case and of each support order established or modified in the state on or after October 1, 1998. Such records shall consist of data elements as required by the United States Secretary of Health and Human Services, 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.

~~(17)~~ “State Disbursement Unit” means the unit established and operated by the Title IV-D agency to provide one central address for collection and disbursement of child support payments made in cases enforced by the department pursuant to Title IV-D of the Social Security Act and in cases not being enforced by the department in which the support order was initially issued in this state on or after January 1, 1994, and in which the obligor’s child support obligation is being paid through income deduction order.

(18) "Support order" means a judgment, decree, or order, whether temporary or final, issued by a court of competent jurisdiction for the support and maintenance of a child which provides for monetary support, health care, arrearages, or past support.

Section 42. Subsections (1) and (2) and paragraph (a) of subsection (3) of section 61.181, Florida Statutes, 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, 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 pursuant to s. 61.1826. Each depository shall participate in the State Disbursement Unit and shall implement all statutory and contractual duties imposed on the State Disbursement Unit. Each depository shall receive from and transmit to the State Disbursement Unit required data through the Clerk of Court Child Support Enforcement Collection System. Payments on non-Title IV-D cases without income deduction orders shall not be sent to the State Disbursement Unit as provided by federal law.

(2)(a) For payments not required to be processed through the State Disbursement Unit, the depository shall impose and collect a fee on each payment made for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments as required under this section, which fee shall be a flat fee based, to the extent practicable, upon estimated reasonable costs of operation. The fee shall be reduced in any case in which the fixed fee results in a charge to any party of an amount greater than 3 percent of the amount of any support payment made in satisfaction of the amount which the party is obligated to pay, except that no fee shall be less than \$1 nor more than \$5 per payment made. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay.

(b)1. For the period of July 1, 1992, through June 30, 2002 ~~1999~~, the fee imposed in paragraph (a) shall be increased to 4 percent of the support payments which the party is obligated to pay, except that no fee shall be more than \$5.25. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay. Notwithstanding the provisions of s. 145.022, 75 percent of the additional revenues generated by this paragraph shall be remitted monthly to the Clerk of the Court Child Support Enforcement Collection System Trust Fund administered by the department as provided in subparagraph 2. These funds shall be used exclusively for the development, implementation, and operation of the Clerk of the Court an automated Child Support Enforcement Collection

Collections System to be operated by the depositories, including the automation of civil case information necessary for the State Case Registry. The department shall contract with the Florida Association of Court Clerks and ~~Comptrollers~~ and the depositories to design, establish, operate, upgrade, and maintain the automation of the depositories to include, but not be limited to, the provision of on-line electronic transfer of information to the IV-D agency as otherwise required by this chapter. The department's obligation to fund the automation of the depositories is limited to the state share of funds available in the Clerk of the Court Child Support Enforcement Collection System Trust Fund. Each depository created under this section shall fully participate in the Clerk of the Court ~~automated~~ Child Support Enforcement Collection System ~~on or before July 1, 1997,~~ and transmit data in a readable format as required by the contract between the Florida Association of Court Clerks and ~~Comptrollers~~ and the department. ~~The department may at its discretion exempt a depository from compliance with full participation in the automated child support enforcement collection system.~~

2. No later than December 31, 1996, moneys to be remitted to the department by the depository shall be done daily by electronic funds transfer and calculated as follows:

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

3. Prior to June 30, 1995, the depositories and the department shall provide the Legislature with estimates of the cost of continuing the collection and maintenance of information required by this act.

4. The fees established by this section shall be set forth and included in every order of support entered by a court of this state which requires payment to be made into the depository.

(3)(a) For payments not required to be processed through the State Disbursement Unit, the depository shall collect and distribute all support payments paid into the depository to the appropriate party. On or after July 1, 1998, if a payment is made on a Title IV-D case 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 43. Section 61.1824, Florida Statutes, is created to read:

61.1824 State Disbursement Unit.—

(1) The State Disbursement Unit is hereby created and shall be operated by the Department of Revenue or by a contractor responsible directly to the department. The State Disbursement Unit shall be responsible for the collection and disbursement of payments for:

(a) All child support cases enforced by the department pursuant to Title IV-D of the Social Security Act; and

(b) All child support cases not being enforced by the department pursuant to Title IV-D of the Social Security Act in which the initial support order was issued in this state on or after January 1, 1994, and in which the obligor's child support obligation is being paid through income deduction.

(2) The State Disbursement Unit must be operated in coordination with the department's child support enforcement automated system in Title IV-D cases.

(3) The State Disbursement Unit shall perform the following functions:

(a) Disburse all receipts from intercepts, including, but not limited to, United States Internal Revenue Service, unemployment compensation, lottery, and administrative offset intercepts.

(b) Provide employers and payors with one address to which all income deduction collections are sent.

(c) When there is more than one income deduction order being enforced against the same obligor by the payor, allocate the amounts available for income deduction in the manner set forth in s. 61.1301.

(d) To the extent feasible, use automated procedures for the collection and disbursement of support payments, including, but not limited to, having procedures for:

1. Receipt of payments from obligors, employers, other states and jurisdictions, and other entities.

2. Timely disbursement of payments to obligees, the department, and other state Title IV-D agencies.

3. Accurate identification of payment source and amount.

4. Furnishing any parent, upon request, timely information on the current status of support payments under an order requiring payments to be made by or to the parent, except that in cases described in paragraph (1)(b), prior to the date the State Disbursement Unit becomes fully operational, the State Disbursement Unit shall not be required to convert and maintain in automated form records of payments kept pursuant to s. 61.181.

(e) Information regarding disbursement must be transmitted in the following manner:

1. In Title IV-D cases, the State Disbursement Unit shall transmit, in an electronic format as prescribed by the department, all required information to the department on the same business day the information is received from the employer or other source of periodic income, if sufficient information identifying the payee is provided. The department shall determine distribution allocation of a collection and shall electronically transmit that information to the State Disbursement Unit, whereupon the State Disbursement Unit shall disburse the collection. The State Disbursement Unit may delay the disbursement of payments toward arrearages until the resolution of any timely appeal with respect to such arrearages. The State Disbursement Unit may delay the disbursement of Title IV-D collections until authorization by the Title IV-D agency has been received.

2. In non-Title IV-D cases payment information is not transmitted to the department. The State Disbursement Unit may delay the disbursement of payments toward arrearages until the resolution of any timely appeal with respect to such arrearages.

(f) Reconcile all cash receipts and all disbursements daily and provide the department with a daily reconciliation report in a format as prescribed by the department.

(g) Disburse child support payments to foreign countries as may be required.

(h) Receive and convert child support payments made in foreign currency.

(i) Remit to the department payments for costs due the department.

(j) Handle insufficient funds payments, claims of lost or stolen checks, and stop payment orders.

(k) Issue billing notices and statements of account, in accordance with federal requirements, in a format and frequency prescribed by the department to persons who pay and receive child support in Title IV-D cases.

(l) Provide the department with a weekly report that summarizes and totals all financial transaction activity.

(m) Provide toll-free access to customer assistance representatives and an automated voice response system that will enable the parties to a child support case to obtain payment information.

(4) For cases in which the obligor or payor fails to submit payment directly to the central address provided by the State Disbursement Unit, the depositories shall have procedures for accepting a support payment tendered in the form of cash or a check drawn on the account of a payor or obligor, unless the payor or obligor has previously remitted a check which was returned to the depository due to lack of sufficient funds in the account. If the payor or obligor has had a check returned for this reason, the depository shall accept payment by cash, cashier's check, or money order, or may accept a check upon deposit by the payor or obligor of an amount equal to 1 month's payment. Upon payment by cash, cashier's check, or money order, the depository shall remit the payment to the State Disbursement Unit within 1 business day after receipt.

(5) Obligees receiving payments through the State Disbursement Unit shall inform the State Disbursement Unit of changes in their names and addresses. Notification of all changes must be made directly to the State Disbursement Unit within 7 business days after a change. In Title IV-D cases, the State Disbursement Unit shall transmit the information to the department, in an electronic format prescribed by the department, within 1 business day after receipt.

Section 44. Section 61.1825, Florida Statutes, is created to read:

61.1825 State Case Registry.—

(1) The Department of Revenue or its agent shall operate and maintain a State Case Registry as provided by 42 U.S.C. s. 654A. The State Case Registry must contain records for:

(a) Each case in which services are being provided by the department as the state's Title IV-D agency; and

(b) By October 1, 1998, each support order established or modified in the state on or after October 1, 1998, in which services are not being provided by the Title IV-D agency.

The department shall maintain that part of the State Case Registry that includes support order information for Title IV-D cases on the department's child support enforcement automated system.

(2) By October 1, 1998, for each support order established or modified by a court of this state on or after October 1, 1998, the depository for the court that enters the support order in a non-Title IV-D case shall provide, in an electronic format prescribed by the department, the following information to that component of the State Case Registry that receives, maintains, and transmits support order information for non-Title IV-D cases:

(a) The name of the obligor, obligee, and child or children;

(b) The social security number of the obligor, obligee, and child or children;

(c) The date of birth of the obligor, obligee, and child or children;

(d) Whether a family violence indicator is present or if a court order has been entered against a party in a domestic violence or protective action;

(e) The date the support order was established or modified;

(f) The case identification number, which is the two-digit numeric county code followed by the civil circuit case number;

(g) The federal information processing system numeric designation for the county and state where the support order was established or modified; and

(h) Any other data as may be required by the United States Secretary of Health and Human Services.

(3) The depository, using standardized data elements, shall provide the support order information required by subsection (2) to the entity that maintains the non-Title IV-D support order information for the State Case Registry at a frequency and in a format prescribed by the department.

(4) The entity that maintains State Case Registry information for non-Title IV-D cases shall make the information available to the department in a readable and searchable electronic format that is compatible with the department's automated child support enforcement system.

(5) State Case Registry information must be transmitted electronically to the Federal Case Registry of Child Support Orders by the department in a manner and frequency prescribed by the United States Secretary of Health and Human Services.

Section 45. Section 61.1826, Florida Statutes, is created to read:

61.1826 Procurement of services for State Disbursement Unit and the non-Title IV-D component of the State Case Registry; contracts and cooperative agreements; penalties; withholding payment.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that the clerks of court play a vital role, as essential participants in the establishment, modification, collection, and enforcement of child support, in securing the health, safety, and welfare of the children of this state. The Legislature further finds and declares that:

(a) It is in the state's best interest to preserve the essential role of the clerks of court in disbursing child support payments and maintaining official records of child support orders entered by the courts of this state.

(b) As official recordkeeper for matters relating to court-ordered child support, the clerks of court are necessary parties to obtaining, safeguarding, and providing child support payment and support order information.

(c) As provided by the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the state must establish and operate a State Case Registry in full compliance with federal law by October 1, 1998, and a State Disbursement Unit by October 1, 1999.

(d) Noncompliance with federal law could result in a substantial loss of federal funds for the state's child support enforcement program and the temporary assistance for needy families welfare block grant.

(e) The potential loss of substantial federal funds poses a direct and immediate threat to the health, safety, and welfare of the children and citizens of the state and constitutes an emergency for purposes of s. 287.057(3)(a).

(f) The clerks of court maintain the official payment record of the court for amounts received, payments credited, arrearages owed, liens attached, and current mailing addresses of all parties, payor, obligor, and payee.

(g) The clerks of court have established a statewide Clerk of Court Child Support Enforcement Collection System for the automation of all payment processing using state and local government funds as provided under s. 61.181(2)(b)1.

(h) The Legislature acknowledges the improvements made by and the crucial role of the Clerk of the Court Child Support Enforcement Collection System in speeding payments to the children of Florida.

(i) There is no viable alternative to continuing the role of the clerks of court in collecting, safeguarding, and providing essential child support payment information.

For these reasons, the Legislature hereby directs the Department of Revenue, subject to the provisions of subsection (6), to contract with the Florida Association of Court Clerks and each depository to perform duties with respect to the operation and maintenance of a State Disbursement Unit and the non-Title IV-D component of the State Case Registry as further provided by this section.

(2) COOPERATIVE AGREEMENTS.—Each depository shall enter into a standard cooperative agreement with the department for participation in the State Disbursement Unit and the non-Title IV-D component of the State Case Registry through the Clerk of Court Child Support Enforcement Collection System within 60 days after the effective date of this section. The cooperative agreement shall be a uniform document, mutually developed by the department and the Florida Association of Court Clerks, that applies to all depositories and complies with all state and federal requirements. Each depository shall also enter into a written agreement with the Florida Association of Court Clerks and the department within 60 days after the effective date of this section that requires each depository to participate fully in the State Disbursement Unit and the non-Title IV-D component of the State Case Registry.

(3) CONTRACT.—The Florida Association of Court Clerks shall enter into a written contract with the department that fully complies with all federal and state laws within 60 days after the effective date of this section. The contract shall be mutually developed by the department and the Florida Association of Court Clerks. As required by s. 287.057 and 45 C.F.R. s. 74.43, any subcontracts entered into by the Florida Association of Court Clerks, except for a contract between the Florida Association of Court Clerks and its totally owned subsidiary corporation, must be procured through competitive bidding.

(4) COOPERATIVE AGREEMENT AND CONTRACT TERMS.—The contract between the Florida Association of Court Clerks and the department, and cooperative agreements entered into by the depositories and the department, must contain, but are not limited to, the following terms:

(a) The initial term of the contract and cooperative agreements is for 5 years. The subsequent term of the contract and cooperative agreements is for 3 years, with the option of two 1-year renewal periods, at the sole discretion of the department.

(b) The duties and responsibilities of the Florida Association of Court Clerks, the depositories, and the department.

(c) Under s. 287.058(1)(a), all providers and subcontractors shall submit to the department directly, or through the Florida Association of Court Clerks, a report of monthly expenditures in a format prescribed by the department and in sufficient detail for a proper preaudit and postaudit thereof.

(d) All providers and subcontractors shall submit to the department directly, or through the Florida Association of Court Clerks, management reports in a format prescribed by the department.

(e) All subcontractors shall comply with chapter 280, as may be required.

(f) Federal financial participation for eligible Title IV-D expenditures incurred by the Florida Association of Court Clerks and the depositories shall be at the maximum level permitted by federal law for expenditures incurred for the provision of services in support of child support enforcement in accordance with 45 C.F.R., part 74 and Federal Office of Management and Budget Circulars A-87 and A-122 and based on an annual cost allocation study of each depository. The depositories shall submit directly, or through the Florida Association of Court Clerks, claims for Title IV-D expenditures monthly to the department in a standardized format as prescribed by the department. The Florida Association of Court Clerks shall contract with a certified public accounting firm, selected by the Florida Association of Court Clerks and the department, to audit and certify quarterly to the department all claims for expenditures submitted by the depositories for Title IV-D reimbursement.

(g) Upon termination of the contracts between the department and the Florida Association of Court Clerks or the depositories, the Florida Associa-

tion of Court Clerks, its agents, and the depositories shall assist the department in making an orderly transition to a private vendor.

(h) Interest on late payment by the department shall be in accordance with s. 215.422.

If either the department or the Florida Association of Court Clerks objects to a term of the standard cooperative agreement or contract specified in subsections (2) and (3), the disputed term or terms shall be presented jointly by the parties to the Attorney General or the Attorney General's designee, who shall act as special master. The special master shall resolve the dispute in writing within 10 days. The resolution of a dispute by the special master is binding on the department and the Florida Association of Court Clerks.

(5) PERFORMANCE REVIEWS.—As provided by this subsection, the Office of Program Policy Analysis and Government Accountability shall conduct comprehensive performance reviews of the State Disbursement Unit and State Case Registry. In addition to the requirements of chapter 11, the review must include, but not be limited to, an analysis of state and federal requirements, the effectiveness of the current system in meeting those requirements; a cost analysis of the State Disbursement Unit and the non-Title IV-D component of the State Case Registry; a review and comparison of available alternative methodologies as utilized by other states; and a review of all strategies, including privatization, to increase the efficiency and cost effectiveness of the State Disbursement Unit and the non-Title IV-D component of the State Case Registry. A review must be completed and a written report submitted to the Governor, President of the Senate, and the Speaker of the House of Representatives by October 1, 1999, pertaining to the State Case Registry and October 1, 2000, pertaining to the State Disbursement Unit, and every 2 years thereafter beginning October 1, 2002, pertaining to both the State Case Registry and the State Disbursement Unit.

(6) CONTRACT TERMINATION.—If any of the following events occur, the department may discontinue its plans to contract, or terminate its contract, with the Florida Association of Court Clerks and the depositories upon 30 days' written notice by the department and may, through competitive bidding, procure services from a private vendor to perform functions necessary for the department to operate the State Disbursement Unit and the non-Title IV-D component of the State Case Registry with a minimum amount of disruption in service to the children and citizens of the state:

(a) Receipt by the department of final notice by the United States Secretary of Health and Human Services or the secretary's designee that the contractual arrangement between the department, the Florida Association of Court Clerks, and the depositories, does not satisfy federal requirements for a State Disbursement Unit or a State Case Registry and that the state's Title IV-D State Plan will not be approved, or that federal Title IV-D funding is not made available to fund the non-Title IV-D component of the State Case Registry or the State Disbursement Unit;

(b) The Florida Association of Court Clerks, a depository or any subcontractor fails to comply with any material contractual term or state or federal requirement;

(c) The non-Title IV-D component of the State Case Registry is not established and operational, consistent with the terms of the contract, by October 1, 1998; or

(d) The State Disbursement Unit is not established and operational, consistent with the terms of the contract, by October 1, 1999.

If either event specified in paragraph (a) occurs, the depositories are relieved of all responsibilities and duties under this chapter relating to Title IV-D payment processing and data transmission to the department.

(7) PARTICIPATION BY DEPOSITORIES.—

(a) Each depository shall participate in the non-Title IV-D component of the State Case Registry by using an automated system compatible with the department's automated child support enforcement system.

(b) For participation in the State Disbursement Unit, each depository shall:

1. Use the CLERC System;

2. Receive electronically and record payment information from the State Disbursement Unit for each support order entered by the court.

(8) TITLE IV-D PROGRAM INCOME.—Pursuant to 45 C.F.R. s. 304.50, all transaction fees and interest income realized by the State Disbursement Unit constitute and must be reported as program income under federal law and must be transmitted to the Title IV-D agency for deposit in the Child Support Enforcement Application and Program Revenue Trust Fund.

(9) PENALTIES.—All depositories must participate in the State Disbursement Unit and the non-Title IV-D component of the State Case Registry as provided in this chapter. If a depository fails to comply with this requirement or with any material contractual term or other state or federal requirement, the failure constitutes misfeasance which subjects the county officer or officers responsible for the depository to suspension under Article IV of the State Constitution. The department shall report any continuing acts of misfeasance by a depository to the Governor and Cabinet, and to the Florida Association of Court Clerks.

(10) WITHHOLDING PAYMENT UNDER CONTRACTS.—If the Florida Association of Court Clerks, its agent, a subcontractor, or a depository does not comply with any material contractual term or state or federal requirement, the department may withhold funds otherwise due under the individual contract with the Florida Association of Court Clerks or the individual cooperative agreement with the depository, or both, at the department's election, to enforce compliance. The department shall provide written notice of noncompliance before withholding funds. Within 10 business days

after receipt of written notification of noncompliance, the department must be provided with a written proposed corrective action plan. Within 10 business days after receipt of a corrective action plan, the department shall accept the plan or allow 5 business days within which a revised plan may be submitted. Upon the department's acceptance of a corrective action plan, the agreed-upon plan must be fully completed within 30 business days unless a longer period is permitted by the department. If a proposed corrective action plan is not submitted, is not accepted, or is not fully completed, any funds withheld by the department for noncompliance are forfeited to the department. Withholding or forfeiture of funds may be contested by filing a petition or request for a hearing under the applicable provisions of chapter 120. For the purposes of this section, no party to a dispute involving less than \$5,000 in withheld or forfeited funds is deemed to be substantially affected by the dispute or to have a substantial interest in the decision resolving the dispute.

Section 46. Subsection (1) and paragraph (b) of subsection (2) of section 382.013, Florida Statutes, as amended by chapter 97-170, Laws of Florida, is hereby repealed.

Section 47. This act shall take effect July 1, 1998, except that section 1 shall take effect October 1, 1998.

Became a law without the Governor's approval May 31, 1998.

Filed in Office Secretary of State May 29, 1998.