

## House Bill No. 2149

An act relating to child support; amending s. 61.052, F.S.; requiring additional information on children of the marriage and parties to a dissolution of marriage; amending s. 61.13, F.S.; requiring certain identifying information for each minor that is the subject of a child support order; amending s. 61.1301, F.S.; clarifying that child support payments paid through income deduction shall be made to the State Disbursement Unit; amending s. 61.13016, F.S.; providing a time certain for delinquency in payment which may result in suspension of driver's licenses and motor vehicle registrations; amending s. 61.14, F.S.; deleting requirement that a certified copy of the support order accompany a certified statement of delinquent support payments; amending s. 61.181, F.S.; providing for collection of a service charge on certain payments processed by the State Disbursement Unit; amending s. 61.1824, F.S.; clarifying that support payments shall be paid to the State Disbursement Unit; amending s. 61.1825, F.S.; providing conditions for placing a family violence indicator on a record in the State Case Registry; amending s. 61.1826, F.S.; revising penalty for default of a depository; providing for notice; deleting a report; amending s. 409.2558, F.S.; providing for review of distributions and disbursements of child support payments; providing for recovery of overpayments; providing for rules; amending s. 409.2561, F.S.; revising provisions relating to child support obligations when public assistance is paid; requiring deposit into the General Revenue Fund of funds retained by the state to reimburse public assistance payments made to or for the benefit of dependent children; deleting provisions relating to a cooperative agreement between the executive director of the Department of Revenue and the Insurance Commissioner; amending s. 409.2564, F.S.; revising provisions relating to subpoenas for information necessary to establish, modify, or enforce a child support order; providing for challenge of subpoenas; providing an administrative fine; providing for enforcement and award of costs and fees; providing for disposition of fines collected; providing for expedited procedures for redirecting child support payments to relative caretakers; amending s. 409.25641, F.S.; revising provisions relating to automated administrative enforcement requests; amending s. 409.25656, F.S.; providing time frame for an obligor's consent to a levy for past due child support; amending s. 409.25657, F.S.; revising procedures and requirements with respect to data exchanges with financial institutions for child support enforcement; amending s. 409.2577, F.S.; deleting duplicate language; amending s. 741.04, F.S.; modifying requirement that a social security number or other documentation be given prior to issuance of a marriage license; providing for reimbursement to certain counties from the Clerk of the Court Child Support Enforcement Collection System Trust Fund; providing appropriations; providing effective dates.

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

Section 1. Subsections (7) and (8) of section 61.052, Florida Statutes, 1998 Supplement, are amended to read:

61.052 Dissolution of marriage.—

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

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

Section 2. Paragraph (d) of subsection (1) and subsection (10) of section 61.13, Florida Statutes, 1998 Supplement, are amended to read:

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

(1)

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

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

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

4. If the parties elect not to require that support payments be made through the depository, any party may subsequently file an affidavit with the depository alleging a default in payment of child support and stating that the party wishes to require that payments be made through the depository. The party shall provide copies of the affidavit to the court and to each

other party. Fifteen days after receipt of the affidavit, the depository shall notify both parties that future payments shall be paid through the depository.

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

(10) At the time an order for child support is entered, each party is required to provide his or her social security number and date of birth to the court, as well as the name, date of birth, and social security number of each minor child that is the subject of such child support order if this information has not previously been provided. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. All social security numbers required by this section shall be provided by the parties and maintained by the depository as a separate attachment in the file. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 3. Paragraphs (b) and (d) of subsection (1) of Section 61.1301, Florida Statutes, 1998 Supplement, are amended to read:

61.1301 Income deduction orders.—

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

(b) The income deduction order 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; and.

6. Direct that, at such time as the State Disbursement Unit becomes operational, all payments in those cases in which the obligee is receiving Title IV-D services and in those cases in which the obligee is not receiving Title IV-D services 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, be made payable to and delivered to the State Disbursement Unit. Notwithstanding any other statutory provision to the contrary, funds received by the State Disbursement Unit shall be held, administered, and disbursed by the State Disbursement Unit pursuant to the provisions of this chapter.

(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. Notwithstanding the foregoing, however, at such time as the State Disbursement Unit becomes operational, in those cases in which the obligee is receiving Title IV-D services and in those cases in which the obligee is not receiving Title IV-D services 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, such payments shall be made payable to and delivered to the State Disbursement Unit.

Section 4. Subsection (1) of section 61.13016, Florida Statutes, is amended to read:

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

(1) The driver's license and motor vehicle registration of a child support obligor who is delinquent in payment or who has failed to comply with subpoenas or a similar order to appear or show cause relating to paternity or child support proceedings may be suspended. When an obligor is 15 days delinquent making a payment ~~Upon a delinquency~~ in child support or failure to comply with a subpoena, order to appear, order to show cause, or similar order in IV-D cases, the Title IV-D agency may provide notice to the obligor of the delinquency or failure to comply with a subpoena, order to appear, order to show cause, or similar order and the intent to suspend by regular United States mail that is posted to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles. When an obligor is 15 days delinquent in making a payment ~~Upon a delinquency~~ in child support in non-IV-D cases, and upon the request of the obligee, the depository or the clerk of the court must provide notice to the obligor of the delinquency and the intent to suspend by regular United States mail that is posted to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles. In either case, the notice must state:

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

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

(c) That notification will be given to the Department of Highway Safety and Motor Vehicles to suspend the obligor's driver's license and motor vehicle registration unless, within 20 days after the date the notice is mailed, the obligor:

1.a. Pays the delinquency in full;

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

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

2. Pays any applicable delinquency fees.

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

Section 5. Paragraph (a) of subsection (6) of section 61.14, Florida Statutes, 1998 Supplement, 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 Rule 1.540, Florida Rules of Civil Procedure.

Section 6. Paragraph (a) of subsection (2) of section 61.181, Florida Statutes, 1998 Supplement, is amended to read:

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

(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. For non-Title IV-D cases required to be processed by the State Disbursement Unit pursuant to this chapter, the State Disbursement Unit shall, on each payment received, collect a fee, and shall transmit to the depository in which the case is located 40 percent of such service charge for the depository's administration, management, and maintenance of such case. If a payment is made to the State Disbursement Unit which is not accompanied by the required fee, the State Disbursement Unit shall not deduct any moneys from the support payment for payment of the fee. ~~The,~~ 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.

Section 7. Subsection (6) is added to section 61.1824, Florida Statutes, 1998 Supplement, to read:

61.1824 State Disbursement Unit.—

(6) Effective October 1, 1999, or such earlier date as the State Disbursement Unit becomes operational, all support payments for cases to which the requirements of this section apply shall be made payable to and delivered to the State Disbursement Unit. Notwithstanding any other statutory provision to the contrary, funds received by the State Disbursement Unit shall be held, administered, and disbursed by the State Disbursement Unit pursuant to the provisions of this chapter.

Section 8. Paragraph (d) of subsection (2) of section 61.1825, Florida Statutes, 1998 Supplement, is amended, subsections (3), (4), and (5) are renumbered as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to said section, to read:

61.1825 State Case Registry.—

(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:

~~(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;~~

(3)(a) For the purpose of this section, a family violence indicator must be placed on a record when a party executes a sworn statement requesting that a family violence indicator be placed on that party's record which states that the party has reason to believe that release of information to the Federal Case Registry may result in physical or emotional harm to the party or the child.

(b) Before the family violence indicator can be removed from a record, the protected person must be afforded notice and an opportunity to appear before the court on the issue of whether the disclosure will result in harm.

Section 9. Subsection (9) of section 61.1826, Florida Statutes, 1998 Supplement, is amended 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.—

(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, after notice and an opportunity to cure an otherwise curable default, a depository fails to comply with the material terms of the cooperative agreement, the failure to comply subjects the county officer or officers responsible for the depository to the sanctions provided in Art. IV of the State Constitution. However, no county officer or officers shall be subject to sanctions under Art. IV of the State Constitution for any noncurable default resulting from circumstances or conditions outside the control of the depository. 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 Art. 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.

Section 10. Section 409.2558, Florida Statutes, 1998 Supplement, is amended to read:

409.2558 Child support distribution and disbursement.—

(1) 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.

(2) A recipient of collection and distribution services of the department's Child Support Enforcement Program may request a reconsideration by the department concerning the amount collected, the date collected, the amount distributed, the distribution timing, or the calculation of arrears. The department shall establish by rule a reconsideration procedure for informal review of agency action in distributing and disbursing child support payments collected by the department. The procedures must provide the recipients of services with an opportunity to review the department's actions before a hearing is requested under chapter 120.

(3) If the department's records indicate that a child support obligee has received an overpayment of child support from the department due to either mistake or fraud, the department may take action to recover the overpayment. The department may establish by rule a procedure to recover overpayments.

Section 11. Subsections (1) and (5) of section 409.2561, Florida Statutes, 1998 Supplement, are amended to read:

409.2561 Child support obligations when public assistance is paid; 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 determined pursuant to the child support guidelines 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. Such amounts collected shall be deposited into the General Revenue Fund up to the level specified in s. 61.1812. 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. ~~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, by applying the child support guidelines for reimbursement of public assistance moneys paid. 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.

(5) With respect to cases for which there is an assignment in effect pursuant to this section:

(a) The IV-D agency shall obtain basic medical support information for Medicaid recipients and applicants for Medicaid and provide this information to the state Medicaid agency for third-party liability purposes.



(b) When the obligor receives health insurance coverage for the dependent child, the IV-D agency shall provide health insurance policy information, including any information available about the health insurance policy which would permit a claim to be filed or, in the case of a health maintenance or preferred provider organization, service to be provided, to the state Medicaid agency.

(c) The state Medicaid agency, upon receipt of the health coverage information from the IV-D agency, shall notify the obligor's insuring entity that the Medicaid agency must be notified within 30 days when such coverage is discontinued.

(d) Entities providing health insurance as defined in s. 624.603 and health maintenance organizations and prepaid health clinics as defined in chapter 641 shall provide such records and information as is necessary to accomplish the purpose of this subsection, unless such requirement results in an unreasonable burden.

~~(e) The executive director of the department and the commissioner of the Department of Insurance shall enter into a cooperative agreement for requesting and obtaining information necessary to effect the purpose and objectives of this subsection:~~

~~1. The department shall only request that information necessary to determine whether health insurance as defined pursuant to s. 624.603 or those health services provided pursuant to chapter 641 is discontinued.~~

~~2. All information obtained pursuant to subparagraph 1. is confidential and exempt from the provisions of s. 119.07(1).~~

~~3. The cooperative agreement or rules promulgated hereunder may include financial arrangements to reimburse the reporting entities for reasonable costs or a portion thereof incurred in furnishing the requested information. Neither the cooperative agreement nor the rules shall require the automation of manual processes to provide the requested information.~~

~~4. The department and the Department of Insurance jointly shall promulgate rules for the development and administration of the cooperative agreement. The rules shall include the following:~~

~~a. A method for identifying those entities subject to furnishing information under the cooperative agreement;~~

~~b. A method for furnishing requested information; and~~

~~c. Procedures for requesting exemption from the cooperative agreement based on an unreasonable burden to the reporting entity.~~

~~(e)(f)~~ Upon the state Medicaid agency receiving notice from the obligor's insuring entity that the coverage is discontinued due to cancellation or other means, the Medicaid agency shall notify the IV-D agency of such discontinuance and the effective date. When appropriate, the IV-D agency shall then take action to bring the obligor before the court for enforcement.

Section 12. Subsection (8) of section 409.2564, Florida Statutes, 1998 Supplement, is 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 necessary to establish, modify, or enforce a child support order.

(a) For the purpose of establishing, modifying, or enforcing a child support order, the director of this or another state's Title IV-D agency, or any employee designated by the director of this state's Title IV-D agency or authorized under another state's law, 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 action 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) Subpoenas issued by this or any other state's Title IV-D agency may be challenged in accordance with s. 120.569(2)(k)1. While a subpoena is being challenged, the Title IV-D agency may not impose a fine as provided for under paragraph (c) until the challenge is complete and the subpoena been found to be valid.

(c)(b) The Title IV-D agency is authorized to impose a fine for failure to comply with a subpoena. Prior to making application to the court for an order compelling compliance with a subpoena, the department shall issue a written notification of noncompliance. Failure to comply with the subpoena, or to challenge the subpoena as provided in paragraph (b), within 15 days after service of the subpoena may result in the agency taking the following actions: receipt of the written notification without good cause may result in 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.

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

2. Enforcement of the subpoena as provided in s. 120.569(2)(k)2. When the subpoena is enforced pursuant to s. 120.569(2)(k)2. the court may award costs and fees to the prevailing party in accordance with that section.

(d) The Title IV-D agency may seek to collect administrative fines imposed pursuant to paragraph (c) by filing a petition in the circuit court of the judicial circuit in which the person against whom the fine was imposed resides. All fines collected pursuant to this subsection shall be deposited into

the Child Support Enforcement Application and Program Revenue Trust Fund.

Section 13. Effective October 1, 1999, subsection (13) of section 409.2564, Florida Statutes, 1998 Supplement, is renumbered as subsection (14), and a new subsection (13) is added to said section to read:

409.2564 Actions for support.—

(13)(a) When the department files a petition for modification of a child support order and the petition is accompanied with a verified motion signed by the department to redirect payment alleging that:

1. The child is residing with a relative caretaker as defined in s. 414.0252 and the relative caretaker receives temporary cash assistance as defined in s. 414.0252; or

2. The child was formerly residing with a relative caretaker as defined in s. 414.0252, the child support payments were redirected to the relative caretaker, and the child is now residing with the original payee,

then the court shall enter a temporary order, ex parte, within 5 days that redirects the child support payments to the relative caretaker or original payee pending a final hearing and may grant such relief as the court deems proper. Upon the filing of a verified motion by the department to redirect payment, the relative caretaker is deemed a party to the proceedings.

(b) In the event that it is subsequently determined by the court that the child support payments were improperly diverted, the department shall pay the improperly diverted child support payments to the appropriate party and shall attempt to recoup any child support improperly paid.

Section 14. Subsections (1) and (2) of section 409.25641, Florida Statutes, 1998 Supplement, are amended to read:

409.25641 Procedures for processing automated administrative enforcement requests.—

(1) The Title IV-D agency shall use automated administrative enforcement, as defined in the Social Security Act, 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.~~

(2)(a) This request:

(a) May be transmitted from the other state by electronic or other means;  
~~and~~

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

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

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

Section 15. Paragraph (d) is added to subsection (7) of section 409.25656, Florida Statutes, to read:

409.25656 Garnishment.—

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

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

(c) The notice required in paragraph (a) must include a brief statement that sets forth:

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

(d) The obligor may consent in writing to the levy at any time after receipt of a notice of intent to levy.

Section 16. Subsection (2) of section 409.25657, Florida Statutes, is amended to read:

409.25657 Requirements for financial institutions.—

(2) The department shall develop procedures to enter into agreements with financial institutions doing business in the state, ~~to develop and operate,~~ in coordination with such financial institutions and with the Federal Parent Locator Service in the case of financial institutions doing business in two or more states, to develop and operate, a data match system, using automated data exchanges to the maximum extent feasible, in which each financial institution is required to provide for each calendar quarter the name, record address, social security number or other taxpayer identification number, average daily account balance, and other identifying information for:

(a) Each noncustodial parent who maintains an account at such institution and who owes past due support, as identified by the department by name and social security number or other taxpayer identification number; or-

(b) At the financial institution's option, each individual who maintains an account at such institution. Use of this information shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 17. Section 409.2577, Florida Statutes, 1998 Supplement, is amended to read:

409.2577 Parent locator service.—The department shall establish a parent locator service to assist in locating parents who have deserted their children and other persons liable for support of dependent children. The department shall use all sources of information available, including the Federal Parent Locator Service, and may request and shall receive information from the records of any person or the state or any of its political subdivisions or any officer thereof. Any agency as defined in s. 120.52, any political subdivision, and any other person shall, upon request, provide the department any information relating to location, salary, insurance, social security, income tax, and employment history necessary to locate parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act. This provision shall expressly take precedence over any other statutory nondisclosure provision which limits the ability of an agency to disclose such information, except that law enforcement information as provided in s. 119.07(3)(i) is not required to be disclosed, and except that confidential taxpayer information possessed by the Department of Revenue shall be disclosed only to the extent authorized in s. 213.053(15). Nothing in this section requires the disclosure of information if such disclosure is prohibited by federal law. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). Additionally, the department is authorized to collect any additional information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support for a dependent child. ~~Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1).~~ The department shall, upon request, may make such information available only to public officials and agencies of this state; political subdivisions of this state, including any agency thereof providing child support enforcement services to non-Title IV-D clients; the custodial parent, legal guardian, attorney, or agent of the child; and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents, for the sole purpose of establishing, modifying, or enforcing their liability for support, and shall make such information available to the Department of Children and Family Services for the purpose of diligent search activities pursuant to chapter 39. If the department has reasonable evidence of domestic violence or child abuse and the disclosure of information could be harmful to the custodial parent or the child of such parent, the child support program director or designee shall notify the Department of Children and Family Services and the Secretary of the United States Department of Health and Human Services of this evidence. Such

evidence is sufficient grounds for the department to disapprove an application for location services.

Section 18. Subsection (1) of section 741.04, Florida Statutes, 1998 Supplement, is amended to read:

741.04 Marriage license issued.—

(1) 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 any other available 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. The state has a compelling interest in promoting not only marriage but also responsible parenting, which may include the payment of child support. Any person who has been issued a social security number shall provide that number. 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. Any person who is not a citizen of the United States may provide either a social security number or an alien registration number if one has been issued by the United States Immigration and Naturalization Service. Any person who is not a citizen of the United States and who has not been issued a social security number or an alien registration number is encouraged to provide another form of identification. Nothing in this subsection shall be construed to mean that a county court judge or clerk of the circuit court in this state shall not issue a marriage license to individuals who are not citizens of the United States if one or both of the parties are unable to provide a social security number, alien registration number, or other identification number.

Section 19. Funds from the Clerk of the Court Child Support Enforcement Collection System Trust Fund have been identified by the Florida Association of Court Clerks and Comptroller to assist in compensating the actual, documented cost for full participation in the Clerk of the Court Child Support Enforcement Collection System for Miami-Dade, Seminole, and Collier Counties as follows:

\$207,000 to Miami-Dade County;

\$107,000 to Collier County; and

\$107,000 to Seminole County.

The respective county will be reimbursed such costs or fifty percent of the actual, documented cost for full participation, whichever is greater, by the Clerk of the Court Child Support Enforcement Collection System Trust Fund after any costs are paid by any other sources. Actual, documented cost for full participation in the Clerk of the Court Child Support Enforcement Collection System will be determined by a jointly funded independent entity selected by agreement of each respective clerk and the Florida Association of Court Clerks and Comptroller. Any amount paid to the respective county which is in excess of the actual cost to the county will be spent on ongoing maintenance of the automated child support enforcement system. Subsequent ongoing maintenance costs remain the responsibility of the individual, participating depository.

Section 20. The sums of \$24,480 from the General Revenue Fund and \$47,520 from the Grants and Donations Trust Fund are hereby appropriated to the Department of Revenue to implement the amendments to s. 409.25657, Florida Statutes, by this act, relating to coordination with financial institutions in child support enforcement.

Section 21. The sums of \$73,778 from the General Revenue Fund and \$143,216 from the Grants and Donations Trust Fund are appropriated for fiscal year 1999-2000 to the Department of Revenue to implement s. 409.2564(13), Florida Statutes, as created by this act, relating to payment of a child support obligation to a caretaker relative.

Section 22. There is hereby appropriated from the General Revenue Fund the sum of \$50,770 and one full-time-equivalent position to the Department of Revenue to provide non-Title IV-D location services to political subdivisions of this state, including any agency thereof providing child support enforcement services to non-Title IV-D clients, as required by this act.

Section 23. Except as otherwise provided herein, this act shall take effect July 1, 1999.

Approved by the Governor June 17, 1999.

Filed in Office Secretary of State June 17, 1999.