

## House Bill No. 7073

An act relating to child support enforcement; amending s. 61.14, F.S.; requiring payments on child support judgments to be applied first to the current child support due, then to the delinquent principal, and then to any interest on the support judgment; amending s. 61.1824, F.S.; requiring the State Disbursement Unit to disburse payments to obligees electronically; amending s. 328.42, F.S.; requiring the Department of Highway Safety and Motor Vehicles to cooperate with the Department of Revenue in establishing an automated method for disclosing owners of registered vessels to the Department of Revenue; authorizing the Department of Highway Safety and Motor Vehicles to suspend the operating privilege of vessel owners who are not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 409.2558, F.S.; requiring the State Disbursement Unit to disburse payments to obligees electronically; amending s. 409.256, F.S.; requiring the correctional facility to assist an incarcerated putative father in complying with an administrative order to appear for genetic testing; clarifying that an administrative order for genetic testing has the same force and effect as a court order; amending s. 456.004, F.S.; requiring the Department of Health to cooperate with the Department of Revenue in establishing an automated method for disclosing health practitioner licensees to the Department of Revenue; authorizing the Department of Health to suspend or deny the license of a licensee who is not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 497.167, F.S.; authorizing the Department of Financial Services to suspend or deny the license of a licensee who is not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 559.79, F.S.; requiring the Department of Business and Professional Regulation to cooperate with the Department of Revenue in establishing a method for disclosing professional licensees to the Department of Revenue; authorizing the Department of Business and Professional Regulation to suspend or deny the license of a licensee who is not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 1012.21, F.S.; requiring the Department of Education to cooperate with the Department of Revenue in establishing a method for disclosing educators to the Department of Revenue; authorizing the Department of Education to suspend or deny the teaching certificate of a person who is not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 1012.795, F.S.; requiring the Education Practices Commission to suspend or deny the educator certificate of a person who is not in compliance with orders relating to child support upon notice by the Department of Revenue; repealing s. 409.25645, F.S., relating to administrative orders for genetic testing; providing an effective date.

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

Section 1. Paragraph (d) of 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)

(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 that which thereafter become due, together with costs and a service charge of up to \$7.50, 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 support. Payments on judgments shall be applied first to the current child support due, then to any delinquent principal, and then to interest on the support judgment.

Section 2. Paragraph (d) of subsection (3) of section 61.1824, Florida Statutes, is amended to read:

61.1824 State Disbursement Unit.—

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

(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.

5. Electronic disbursement of support payments to obligees. The State Disbursement Unit shall notify obligees of electronic disbursement options ~~and encourage their use through promotional material.~~ Any payments made to the State Disbursement Unit that are owed to the obligee shall be disbursed electronically. The obligee may designate a personal account for deposit of payments. If the obligee does not designate a personal account, the State Disbursement Unit shall deposit any payments into a stored value account that can be accessed by the obligee.

Section 3. Subsection (1) of section 328.42, Florida Statutes, is amended to read:

328.42 Suspension or denial of a vessel registration due to support delinquency; dishonored checks.—

(1) The department shall work cooperatively with the Department of Revenue to establish an automated method for periodically disclosing information relating to current owners of registered vessels to the Department of Revenue, the state's Title IV-D agency must allow applicants for new or renewal registrations to be screened by the Department of Revenue, as the Title IV-D child support agency under s. 409.2598 to assure compliance with an obligation for support as defined in s. 409.2554, or by a non-IV-D obligee to assure compliance with a child support obligation. The purpose of this subsection section is to promote the public policy of this state relating to child support as established in s. 409.2551. The department shall must, when directed by the court or the Department of Revenue pursuant to s. 409.2598, deny or suspend the vessel registration and suspend the vessel operating privilege of an owner of any applicant found not to be in compliance with a support order, a subpoena, an order to show cause, or a written agreement with the Department of Revenue to have a delinquent support obligation. The department shall must issue or reinstate a registration and reinstate the operating privilege when notified by the Title IV-D agency or the court or the Department of Revenue that the owner applicant has complied with the terms of the support court order. The department is may not be held liable for any registration denial or suspension, or suspension of operating privileges, resulting from the discharge of its duties under this section.

Section 4. Present subsections (2) through (8) of section 409.2558, Florida Statutes, are renumbered as subsections (3) through (9), respectively, and a new subsection (2) is added to that section to read:

409.2558 Support distribution and disbursement.—

(2) DISBURSEMENT OF PAYMENTS.—Any payments made to the State Disbursement Unit that are owed to the obligee in a Title IV-D case shall be disbursed electronically. The obligee may designate a personal account for deposit of payments. If the obligee does not designate a personal account, the State Disbursement Unit shall deposit any payments into a stored value account that can be accessed by the obligee.

Section 5. Paragraphs (d) and (e) are added to subsection (4) of section 409.256, Florida Statutes, to read:

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

(4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue shall commence a proceeding to determine paternity, or a proceeding to determine both paternity and child support, by serving the respondent

with a notice as provided in this section. An order to appear for genetic testing may be served at the same time as a notice of the proceeding or may be served separately. A copy of the affidavit or written declaration upon which the proceeding is based shall be provided to the respondent when notice is served. A notice or order to appear for genetic testing shall be served by certified mail, restricted delivery, return receipt requested, or in accordance with the requirements for service of process in a civil action. Service by certified mail is completed when the certified mail is received or refused by the addressee or by an authorized agent as designated by the addressee in writing. If a person other than the addressee signs the return receipt, the department shall attempt to reach the addressee by telephone to confirm whether the notice was received, and the department shall document any telephonic communications. If someone other than the addressee signs the return receipt, the addressee does not respond to the notice, and the department is unable to confirm that the addressee has received the notice, service is not completed and the department shall attempt to have the addressee served personally. For purposes of this section, an employee or an authorized agent of the department may serve the notice or order to appear for genetic testing and execute an affidavit of service. The department may serve an order to appear for genetic testing on a custodian. The department shall provide a copy of the notice or order to appear by regular mail to the mother and custodian, if they are not respondents.

(d) If the putative father is incarcerated, the correctional facility shall assist the putative father in complying with an administrative order to appear for genetic testing issued under this section.

(e) An administrative order to appear for genetic testing has the same force and effect as a court order.

Section 6. Subsection (9) of section 456.004, Florida Statutes, is amended to read:

456.004 Department; powers and duties.—The department, for the professions under its jurisdiction, shall:

(9) Work cooperatively with the Department of Revenue to establish an automated method for periodically disclosing information relating to current licensees to the Department of Revenue, the state's Title IV-D agency. Allow applicants for new or renewal licenses and current licensees to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with a support obligation, as defined in s. 409.2554. The purpose of this subsection is to promote the public policy of this state relating to child support as established in s. 409.2551. The department shall, when directed by the court or the Department of Revenue pursuant to s. 409.2598, suspend or deny the license of any licensee found not to be in compliance with a support order, a subpoena, an order to show cause, or a written agreement with the Department of Revenue to have a delinquent support obligation. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court or the Department of Revenue that the licensee has complied with the terms of the support court order. The department ~~is shall not be held~~ liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

Section 7. Subsection (6) of section 497.167, Florida Statutes, is amended to read:

497.167 Administrative matters.—

(6) The department shall allow applicants for new or renewal licenses and current licensees to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to ensure compliance with a support obligation. The purpose of this subsection is to promote the public policy of this state relating to child support as established in s. 409.2551. The department shall, when directed by the court or the Department of Revenue pursuant to s. 409.2598, suspend or deny the license of any licensee found not to be in compliance with a support order, a subpoena, an order to show cause, or a written agreement with the Department of Revenue to have a delinquent support obligation, as defined in s. 409.2554. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court or the Department of Revenue that the licensee has complied with the terms of the support court order. The department ~~is~~ shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

Section 8. Subsection (3) of section 559.79, Florida Statutes, is amended to read:

559.79 Applications for license or renewal.—

(3) The department shall work cooperatively with the Department of Revenue to establish an automated method for periodically disclosing information relating to current licensees to the Department of Revenue, the state's Title IV-D agency allow the Title IV-D child support agency to screen all applicants for new or renewal licenses and current licensees pursuant to s. 409.2598 to assure compliance with a support obligation, as defined in s. 409.2554. The purpose of this subsection is to promote the public policy of this state relating to child support as established in s. 409.2551. The department shall, when directed by the court or the Department of Revenue pursuant to s. 409.2598, suspend or deny the license of any licensee found not to be in compliance with a support order, a subpoena, an order to show cause, or a written agreement with the Department of Revenue to have a delinquent support obligation. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court or the Department of Revenue that the licensee has complied with the terms of the support court order. The department ~~is~~ shall not be liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

Section 9. Subsection (3) of section 1012.21, Florida Statutes, is amended to read:

1012.21 Department of Education duties; K-12 personnel.—

(3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE TO CHILD SUPPORT DELINQUENCY.—The Department of Education shall work cooperatively with the Department of Revenue to establish an

~~automated method for periodically disclosing information relating to individuals who hold a certificate pursuant to s. 1012.56 or s. 1012.57 to the Department of Revenue, the state's Title IV-D agency allow applicants for new or renewal certificates and renewal certificateholders to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with an obligation for support, as defined in s. 409.2554. The purpose of this section is to promote the public policy of this state relating to child support as established in s. 409.2551. The department shall, when directed by the court or the Department of Revenue pursuant to s. 409.2598, deny or suspend the application of any applicant found not to be in compliance with a support order, a subpoena, an order to show cause, or a written agreement with the Department of Revenue to have a delinquent support obligation. The department shall issue or reinstate the certificate without additional charge to the certificateholder when notified by the court or the Department of Revenue that the certificateholder has complied with the terms of the support court order. The department is shall not be held liable for any certificate denial or suspension resulting from the discharge of its duties under this section.~~

Section 10. Subsection (1) and paragraph (a) of subsection (4) of section 1012.795, Florida Statutes, are amended to read:

1012.795 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission may suspend the educator certificate of any person as defined in s. 1012.01(2) or (3) for ~~up to a period of time not to exceed~~ 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the holder may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for ~~up to a period of time not to exceed~~ 10 years, with reinstatement subject to the provisions of subsection (4); may revoke permanently the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students; may suspend the educator certificate, upon an order of the court or notice by the Department of Revenue relating to the payment of child support, ~~of any person found to have a delinquent child support obligation~~; or may impose any other penalty provided by law, provided it can be shown that the person:

(a) Obtained or attempted to obtain an educator certificate by fraudulent means.

(b) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(c) Has been guilty of gross immorality or an act involving moral turpitude.

(d) Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state.

(e) Has been convicted of a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.

(f) Upon investigation, has been found guilty of personal conduct ~~that which~~ seriously reduces that person's effectiveness as an employee of the district school board.

(g) Has breached a contract, as provided in s. 1012.33(2).

(h) Has been the subject of a court order or notice by the Department of Revenue pursuant to s. 409.2598 directing the Education Practices Commission to suspend the certificate as a result of noncompliance with a child support order, a subpoena, an order to show cause, or a written agreement with the Department of Revenue ~~a delinquent child support obligation.~~

(i) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

(j) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.

(k) Has violated any order of the Education Practices Commission.

(l) Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificateholder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate. A person may not surrender or otherwise relinquish his or her certificate prior to a finding of probable cause by the commissioner as provided in s. 1012.796.

(4)(a) An educator certificate ~~that which~~ has been suspended under this section is automatically reinstated at the end of the suspension period, provided the certificate did not expire during the period of suspension. If the certificate expired during the period of suspension, the holder of the former certificate may secure a new certificate by making application therefor and by meeting the certification requirements of the state board current at the time of the application for the new certificate. An educator certificate suspended pursuant to paragraph (1)(h) ~~a court order for a delinquent child support obligation~~ may only be reinstated only upon notice from the court or the Department of Revenue that the party has complied with the terms of the support court order, subpoena, order to show cause, or written agreement.

Section 11. Section 409.25645, Florida Statutes, is repealed.

Section 12. This act shall take effect upon becoming a law.

Approved by the Governor May 28, 2008.

Filed in Office Secretary of State May 28, 2008.