

Committee Substitute for Committee Substitute for
Committee Substitute for Senate Bill No. 160

An act relating to child support; amending s. 61.046, F.S.; redefining the term "support order" for purposes of ch. 61, F.S., to include an order of an administrative agency; amending s. 61.13, F.S.; deleting the requirement that a child support order include the minor's social security number; amending s. 61.1301, F.S.; providing for continuation of a support obligation at the same amount after emancipation until any arrearage is satisfied; providing for application to support orders or income or income deduction orders entered before, on, or after July 1, 2004; requiring an obligor contesting an income deduction order rendered by the Title IV-D agency to file the petition with the Title IV-D agency; amending s. 61.14, F.S.; providing for the termination of the current child support obligation when the child emancipates unless certain conditions occur; providing for continuation of a support obligation at the same amount after emancipation until any arrearage is satisfied; providing for application to support orders entered before, on, or after July 1, 2004; amending s. 61.181, F.S.; requiring the clerk of the court to establish an account for interstate cases; amending s. 61.1814, F.S.; providing for types of moneys to be deposited into the Child Support Enforcement Application and Program Revenue Trust Fund; providing for the use of moneys deposited into the Child Support Enforcement Application and Program Revenue Trust Fund; amending s. 120.80, F.S.; providing for the location of an administrative hearing; amending ss. 382.013 and 382.016, F.S.; permitting voluntary acknowledgments of paternity which are witnessed; amending s. 409.2558, F.S.; providing for a notice to the noncustodial parent in applying an undistributable support collection to another support order; amending s. 409.2561, F.S.; providing for the Department of Revenue to establish the obligation of support; amending s. 409.2563, F.S.; providing for the noncustodial parent to request that the Department of Revenue proceed in circuit court to determine the support obligation; revising the requirements under which a noncustodial parent may petition the circuit court to determine the support obligation; providing that the Department of Revenue is a party to court action only with respect to issues of support; providing for the assignment of an account number with the depository upon initiating establishment of an administrative support order; revising the due date for an evaluation by the Office of Program Policy Analysis and Government Accountability; amending s. 409.25656, F.S.; providing for the recovery of fees in liquidating securities for the support owed; creating s. 409.25659, F.S.; providing for insurance claim data exchange; providing definitions; authorizing an insurer to participate in the data match system; providing for the payment of a fee to the insurer; providing limited immunity to the insurer; limiting the use of the data obtained by insurers from the department; requiring that certain data obtained by the department be destroyed; providing rule-making authority; amending s. 409.257, F.S.; permitting the use of

any means of service of process under ch. 48, F.S.; amending s. 409.2572, F.S.; revising the definition of noncooperation or failure to cooperate as applied to an applicant for or a recipient of public assistance; substituting the use of DNA sample for drawing a blood sample to confirm paternity; amending s. 409.259, F.S.; revising the manner of reimbursement to the clerk of the court for court filings in Title IV-D cases; amending s. 409.2598, F.S.; providing definitions; providing for the suspension of licenses under specified circumstances; amending s. 742.10, F.S.; permitting voluntary acknowledgments of paternity which are witnessed; providing legislative intent to address the child support issues of incarcerated non-custodial parents to improve their ability to meet child support obligations; providing the intent of the Legislature for the Department of Revenue to work with other stakeholders to identify strategies to increase collection of child support from incarcerated parents; requiring a report to the Governor and Legislature; providing effective dates.

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

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

61.046 Definitions.—As used in this chapter:

(19) “Support order” means a judgment, decree, or order, whether temporary or final, issued by a court of competent jurisdiction or administrative agency for the support and maintenance of a child which provides for monetary support, health care, arrearages, or past support. When the child support obligation is being enforced by the Department of Revenue, the term “support order” also 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 and the spouse or former spouse of the obligor with whom the child is living which provides for monetary support, health care, arrearages, or past support.

Section 2. Paragraph (d) of subsection (1) of section 61.13, Florida Statutes, is 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 and, 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.

Section 3. Effective July 1, 2004, paragraphs (b) and (e) of subsection (1), paragraphs (e) and (f) of subsection (2) and subsection (3) of section 61.1301, Florida Statutes, 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;

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

~~7.6.~~ 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.

(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 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 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.

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

(2) ENFORCEMENT OF INCOME DEDUCTION ORDERS.—

(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 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 the amount specified in the income deduction order or, in Title IV-D cases, income deduction notice to the obligor's pay cycle. The court should request at the time of the order that the payment cycle reflect that of the payor;
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 income deduction 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, 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 income deduction. 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 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); ~~and~~.

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

(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. If the income deduction order being enforced was rendered by the IV-D agency pursuant to s. 409.2563 and the obligor contests the withholding, the obligor shall file a petition for an administrative hearing with the IV-D agency. The application or petition does not affect the continued enforcement of the income deduction until the court or IV-D agency, if applicable, 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.

(3)(a) 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.~~

(b) In a Title IV-D case, if an obligation to pay current support is reduced or terminated due to the emancipation of a child and the obligor owes an arrearage, retroactive support, delinquency, or costs, income deduction continues at the rate in effect immediately prior to emancipation until all arrearages, retroactive support, delinquencies, and costs are paid in full or until the amount of withholding is modified. Any income-deducted amount that is in excess of the obligation to pay current support shall be credited against the arrearages, retroactive support, delinquency, and costs owed by the obligor. The department shall send notice of this requirement by regular mail to the payor and the depository operated pursuant to s. 61.181, and the notice shall state the amount of the obligation to pay current support, if any, and the amount owed for arrearages, retroactive support, delinquency, and costs. For income deduction orders entered before July 1, 2004, which do not include this requirement, the department shall send by certified mail, restricted delivery, return receipt requested, to the obligor at the most recent address provided by the obligor to the tribunal that issued the order or a more recent address if known, notice of this requirement, that the obligor may contest the withholding as provided by paragraph (2)(f), and that the obligor may request the tribunal that issued the income deduction to modify the amount of the withholding. This paragraph provides an additional remedy for collection of unpaid support and applies to cases in which a support order or income deduction order was entered before, on, or after July 1, 2004.

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

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

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

(10)(a) In a Title IV-D case, if an obligation to pay current child support is terminated due to the emancipation of the child and the obligor owes an

arrearage, retroactive support, delinquency, or costs, the obligor shall continue to pay at the same rate in effect immediately prior to emancipation until all arrearages, retroactive support, delinquencies, and costs are paid in full or until the amount of the order is modified. Any income-deducted amount or amount paid by the obligor which is in excess of the obligation to pay current support shall be credited against the arrearages, retroactive support, delinquency, and costs owed by the obligor.

(b) In a Title IV-D case, if an obligation to pay current child support for multiple children is reduced due to the emancipation of one child and the obligor owes an arrearage, retroactive support, delinquency, or costs, the obligor shall continue to pay at the same rate in effect immediately prior to emancipation until all arrearages, retroactive support, delinquencies, and costs are paid in full or until the amount of the order is modified. Any income-deducted amount or amount paid by the obligor which is in excess of the obligation to pay current support shall be credited against the arrearages, retroactive support, delinquency, and costs owed by the obligor. If an obligation to pay current support for more than one child is not reduced when a child is emancipated because the order does not allocate support per child, this paragraph does not apply.

(c) Paragraphs (a) and (b) provide an additional remedy for collection of unpaid support and apply to cases in which a support order was entered before, on, or after July 1, 2004.

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

61.181 Depository for alimony transactions, support, maintenance, and support payments; fees.—

(1)(a) 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.

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

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

61.1814 Child Support Enforcement Application and Program Revenue Trust Fund.—

(1) The Child Support Enforcement Application and Program Revenue Trust Fund is hereby created, to be administered by the Department of Revenue. The purpose of the trust fund is to account for Title IV-D program income and to support the activities of the child support enforcement program under Title IV-D of the Social Security Act. The department shall invest the money in the trust fund pursuant to s. 17.61 and retain all interest earnings in the trust fund. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund. In accordance with federal requirements, the federal share of program income shall be credited to the Federal Government.

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

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

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

(c) Interest on child support collections;

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

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

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

120.80 Exceptions and special requirements; agencies.—

(14) DEPARTMENT OF REVENUE.—

(c) Proceedings for administrative support orders.—In proceedings for the establishment of administrative support orders pursuant to s. 409.2563, final orders in cases referred by the Department of Revenue to the Division of Administrative Hearings shall be entered by the division's administrative law judge and transmitted to the Department of Revenue for filing and rendering. The Department of Revenue has the right to seek judicial review

under s. 120.68 of a final order entered by an administrative law judge. Administrative support orders rendered pursuant to s. 409.2563 may be enforced pursuant to s. 120.69 or, alternatively, by any method prescribed by law for the enforcement of judicial support orders, except contempt. Hearings held by the Division of Administrative Hearings pursuant to s. 409.2563 shall be held in the judicial circuit where the person receiving services under Title IV-D resides or, if the person receiving services under Title IV-D does not reside in this state, in the judicial circuit where the respondent resides. If the department and the respondent agree, the hearing may be held in another location. If ordered by the administrative law judge, the hearing may be conducted telephonically or by videoconference.

Section 8. Effective July 1, 2004, paragraph (c) of subsection (2) of 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.

(2) PATERNITY.—

(c) If the mother is not married at the time of the birth, the name of the father may not be entered on the birth certificate without the execution of an affidavit signed by both the mother and the person to be named as the father. The facility shall give 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, 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, ~~or a notarized voluntary acknowledgment of paternity, or a~~ voluntary acknowledgement of paternity that is witnessed by two individuals and signed under penalty of perjury as specified by s. 92.525(2).

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

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

(1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

(b) Upon written request and receipt of an affidavit, ~~a~~ a ~~or~~ or notarized voluntary acknowledgment of paternity signed by the mother and father acknowl-

edging the paternity of a registrant born out of wedlock, or a voluntary acknowledgement of paternity that is witnessed by two individuals and signed under penalty of perjury as specified by s. 92.525(2), together with sufficient information to identify the original certificate of live birth, the department shall prepare a new birth certificate, which shall bear the same file number as the original birth certificate. The names and identifying information of the parents shall be entered as of the date of the registrant's birth. The surname of the registrant may be changed from that shown on the original birth certificate at the request of the mother and father of the registrant, or the registrant if of legal age. If the mother and father marry each other at any time after the registrant's birth, the department shall, upon the request of the mother and father or registrant if of legal age and proof of the marriage, amend the certificate with regard to the parents' marital status as though the parents were married at the time of birth. The department shall substitute the new certificate of birth for the original certificate on file. All copies of the original certificate of live birth in the custody of a local registrar or other state custodian of vital records shall be forwarded to the State Registrar. Thereafter, when a certified copy of the certificate of birth or portion thereof is issued, it shall be a copy of the new certificate of birth or portion thereof, except when a court order requires issuance of a certified copy of the original certificate of birth. The department shall place the original certificate of birth and all papers pertaining thereto under seal, not to be broken except by order of a court of competent jurisdiction or as otherwise provided by law.

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

409.2558 Support distribution and disbursement.—

(2) **UNDISTRIBUTABLE COLLECTIONS.—**

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

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

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

3. When the noncustodial parent is subject to a valid order to support ~~another child~~ ~~other children~~ in ~~a~~ ~~another~~ case with a different custodial parent and the obligation is being enforced by the department, the department shall send by certified mail, restricted delivery, return receipt requested, to the noncustodial parent at the most recent address provided by the noncustodial parent to the tribunal that issued the order, a notice stating the department's intention to apply the payment pursuant to this subparagraph, and advising the noncustodial parent of the right to contest the department's proposed action in the circuit court by filing and serving a petition on the department within 30 days after the mailing of the notice. If the noncustodial parent does not file and serve a petition within the 30 days after mailing of the notice, or upon a disposition of the judicial action

favorable to the department, the department shall, with the noncustodial parent's permission, apply the payment towards his or her other support obligation. If there is more than one such other case, the department shall allocate the remaining undistributable amount as specified by s. 61.1301(4)(c); then

4. Return the payment to the noncustodial parent; then

5. If the noncustodial parent cannot be located after diligent efforts by the department, the federal share of the payment shall be credited to the Federal Government and the state share shall be transferred to the General Revenue Fund.

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

409.2561 Support obligations when public assistance is paid; assignment of rights; subrogation; medical and health insurance information.—

(1) Any payment of temporary cash or Title IV-E assistance made to, or for the benefit of, any dependent child creates an obligation in an amount determined pursuant to the child support guidelines. 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 support court order or final judgment of dissolution of marriage establishing an obligation of support, the obligation is limited to the amount provided by such support court order or decree. 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 support court order establishing an obligation of support, the court, or the department as provided by s. 409.2563, shall establish the liability of the obligor, if any, by applying the child support guidelines. The department may apply for modification of a support 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 12. Subsections (4), (8), and paragraph (b) of subsection (17) of section 409.2563, Florida Statutes, are amended to read:

409.2563 Administrative establishment of child support obligations.—

(4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER.—To commence a proceeding under this section, the department shall provide to the custodial parent and serve the noncustodial parent with a notice of proceeding to establish administrative support order and a blank financial affidavit form. The notice must state:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. In any circuit court action filed by the department pursuant to this paragraph or filed by a noncustodial parent or other person pursuant to paragraph (l) or paragraph (n), the department shall be a party only with respect to those issues of support allowed and reimbursable under Title IV-D of the Social Security Act. It is the responsibility of the noncustodial parent or other person to take the necessary steps to present other issues for the court to consider. That if the noncustodial parent has issues regarding child custody or right of parental contact or requests to proceed in circuit court, the noncustodial parent may request in writing that the department proceed in circuit court to determine support. That the noncustodial parent must make such request in writing within 20 days after receipt of the initial notice. That upon such request, the department shall send the noncustodial parent by regular mail a copy of the department's petition and waiver of service form. That the noncustodial parent must sign and return the waiver of service form, within 10 days of receipt of the petition, at which time the department shall terminate the administrative proceeding and file an action in circuit court to determine support;

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

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

The department may serve the notice of proceeding to establish administrative support order by certified mail, restricted delivery, return receipt requested. Alternatively, the department may serve the notice by any means permitted for service of process in a civil action. For purposes of this section, an authorized employee of the department may serve the notice and execute

an affidavit of service. 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. The department shall provide the custodial parent or caretaker relative with a copy of the notice by regular mail to the last known address of the custodial parent or caretaker.

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

- (a) Act as the official recordkeeper for payments required under the administrative support order;
- (b) Establish and maintain the necessary payment accounts;
- (c) Upon a delinquency, initiate the judgment by operation of law procedure as provided by s. 61.14(6); and
- (d) Perform all other duties required of a depository with respect to a support order entered by a court of this state.

When a proceeding to establish an administrative support order is commenced under subsection (4), the department shall file a copy of the initial notice with the depository. The depository shall assign an account number and provide the account number to the department within 4 business days after the initial notice is filed.

(17) EVALUATION.—

(b) The Office of Program Policy Analysis and Government Accountability shall conduct an evaluation of the statewide implementation of the administrative process for establishing child support provided for in this section. This evaluation shall examine whether these processes have been effectively implemented and administered statewide and are operating to the benefit of the children, including, but not limited to the ability of Title IV-D parents to easily access the court system for necessary court action. The Office of Program Policy Analysis and Government Accountability shall submit an evaluation report on the statewide implementation of the administrative processes for establishing child support by June 30, 2006 ~~January 31, 2005~~.

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

409.25656 Garnishment.—

(3) During the last 30 days of the 60-day period set forth in subsection (1), the executive director or his or her designee may levy upon such credits, personal property, or debts. The levy must be accomplished by delivery of a notice of levy by registered mail, upon receipt of which the person possessing the credits, other personal property, or debts shall transfer them to the department or pay to the department the amount owed by the obligor. If the department levies upon securities and the value of the securities is less than the total amount of past due or overdue support, the person who possesses or controls the securities shall liquidate the securities in a commercially reasonable manner. After liquidation, the person shall transfer to the department the proceeds, less any applicable commissions or fees, or both, which are charged in the normal course of business. If the value of the securities exceeds the total amount of past due or overdue support, the obligor may, within 7 days after receipt of the department's notice of levy, instruct the person who possesses or controls the securities which securities are to be sold to satisfy the obligation for past due or overdue support. If the obligor does not provide instructions for liquidation, the person who possesses or controls the securities shall liquidate the securities in a commercially reasonable manner ~~and~~ in an amount sufficient to cover the obligation for past due or overdue support ~~and, less~~ any applicable commissions or fees, or both, which are charged in the normal course of business, beginning with the securities purchased most recently. After liquidation, the person who possesses or controls the securities shall transfer to the department the total amount of past due or overdue support.

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

409.25659 Insurance claim data exchange.—

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

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

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

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

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

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

(b) "Claim" means an open, unresolved bodily injury claim on liability coverage in excess of \$3,000 in an insurance contract payable to an individual, or to a third party for the benefit of the individual, who is a resident of

this state or who had an accident or loss that occurred in this state or who has an outstanding child support obligation in this state.

(2) The department shall develop and operate a data match system after consultation with one or more insurers, using automated data exchanges to the maximum extent feasible, in which an insurer may voluntarily provide the department monthly with the name, address, and, if known, date of birth and social security number or other taxpayer identification number for each noncustodial parent who has a claim with the insurer and who owes past due support, and the claim number maintained by the insurer for each claim. An insurer may provide such data by:

(a) Authorizing an insurance claim data collection organization, to which the insurer subscribes and to which the insurer submits the required claim data on at least a monthly basis, to:

1. Receive or access a data file from the department and conduct a data match of all noncustodial parents who have a claim with the insurer and who owe past due support and submit the required data for each noncustodial parent to the department; or

2. Submit a data file to the department which contains the required data for each claim being maintained by the insurer for the department to conduct a data match;

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

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

(3) The department shall establish by rule a standard fee, not to exceed actual costs, and pay the fee upon request to an insurer or the insurer's claim data collection organization for conducting a data match as provided by subsection (2).

(4) An insurer and its directors, agents, employees, and insureds, and any insurance claim data collection organization and its agents and employees authorized by an insurer to act on its behalf, which provides or attempts to provide data under this section are immune from any civil liability under any law to any person or entity for any alleged or actual damages that occur as a result of providing or attempting to provide data under this section.

(5) The department and insurers may only use the data obtained pursuant to subsection (2) for the purpose of identifying noncustodial parents who owe past due support. If the department does not match such data with a noncustodial parent who owes past due support, such data shall be destroyed immediately, and shall not be maintained by the department.

(6) The department may adopt rules to implement and administer this section.

Section 15. Section 409.257, Florida Statutes, is amended to read:

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

Section 16. Subsections (1) and (2) of section 409.2572, Florida Statutes, are amended to read:

409.2572 Cooperation.—

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

- (a) Identifying and helping to locate the alleged parent or obligor.
- (b) Assisting in establishing the paternity of a child born out of wedlock.
- (c) Assisting in obtaining support payments from the obligor.
- (d) Assisting in obtaining any other payments or property due from the obligor.
- (e) Identifying another putative father when an earlier named putative father has been excluded by DNA, Human Leukocyte Antigen, or other scientific test.
- (f) Appearing at an office of the department, or another designated office, as necessary to provide verbal or written information, or documentary or physical evidence, known to, possessed by, or reasonably obtainable by the applicant or recipient.
- (g) Appearing as a witness at judicial or other hearings or proceedings.
- (h) Providing information under oath regarding the identity or location of the alleged father of the child or attesting to the lack of information.
- (i) Paying to the department any support received from the obligor after the assignment is effective.

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

(a) ~~Failing or Refusing to identify the father of the child, or where more than one man could be the father of the child, refusing to identify all such persons. If the mother identifies one or more persons as the possible father of the child and asserts that there are no others who could be the father of the child, but the DNA test, Human Leukocyte Antigen test, or other scientific test indicates that none of the persons identified could in fact have been the father of the child, the mother shall be deemed noncooperative. If she subsequently identifies another person as the possible father of the child, she shall still be deemed noncooperative until that person has been given the DNA test, Human Leukocyte Antigen test, or other scientific test and is not excluded as the father by the test.~~

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

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

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

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

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

Section 17. Section 409.259, Florida Statutes, is amended to read:

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

(1) ~~Notwithstanding s. 28.241, each clerk of the circuit court shall accept petitions, complaints, and motions filed by the department in Title IV-D cases without billing the department separately for each filing, as long as the clerk is being reimbursed in a different manner for expenses incurred in such filings under the cooperative agreement with the department pursuant to ss. 61.181(1) and 61.1826(2) and (4). only be reimbursed at the prevailing rate of federal financial participation on the amount of \$40 for each civil action, suit, or proceeding for support instituted in the circuit court in which the parent is not receiving temporary cash assistance. The prevailing rate of the state match shall be paid by the local government in the form of a certified public expenditure. The clerk of the circuit court shall bill the department monthly. The clerk of the circuit court and the department shall maintain a monthly log of the number of civil actions, suits, or proceedings filed in which the parent does not receive temporary assistance. These monthly logs will be used to determine the number of \$40 filings the clerk of court may submit for reimbursement at the prevailing rate of federal financial participation.~~

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

Section 18. Effective July 1, 2004, section 409.2598, Florida Statutes, is amended to read:

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

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

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

(b) “Licensee” means an individual who has a license.

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

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

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

(3) The Title IV-D agency shall give notice to any obligor who is an applicant for a new or renewal license ~~or certificate~~ or the holder of a current

license ~~or certificate~~ when a delinquency exists in the support obligation or when an obligor has failed to comply with a subpoena, order to appear, order to show cause, or similar order relating to paternity or support proceeding. The notice shall specify that the obligor has 30 days from the date of mailing of the notice ~~on which service of the notice is complete~~ to pay the delinquency or to reach an agreement to pay the delinquency with the Title IV-D agency or comply with the subpoena, order to appear, order to show cause, or similar order. The notice shall specify that, if payment is not made or an agreement cannot be reached, or if the subpoena, order to appear, order to show cause, or similar order is not complied with, the application may be denied or the license ~~or certification~~ may be suspended pursuant to a court order.

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

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

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

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

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

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

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

Section 19. Effective July 1, 2004, subsection (1) of section 742.10, Florida Statutes, is amended to read:

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

(1) This chapter provides the primary jurisdiction and procedures for the determination of paternity for children born out of wedlock. When the establishment of paternity has been raised and determined within an adjudicatory hearing brought under the statutes governing inheritance, or dependency under workers' compensation or similar compensation programs, or when an affidavit acknowledging paternity or a stipulation of paternity is executed by both parties and filed with the clerk of the court, or when an affidavit, a ~~or~~ notarized voluntary acknowledgment of paternity, or a voluntary acknowledgement of paternity that is witnessed by two individuals and signed under penalty of perjury as provided for in s. 382.013 or s. 382.016 is executed by both parties, it shall constitute the establishment of paternity for purposes of this chapter. If no adjudicatory proceeding was held, a notarized voluntary acknowledgment of paternity or voluntary acknowledgement of paternity that is witnessed by two individuals and signed under penalty of perjury as specified by s. 92.525(2) shall create a rebuttable presumption, as defined by s. 90.304, of paternity and is subject to the right

of any signatory to rescind the acknowledgment within 60 days after of the date the acknowledgment was signed or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party, whichever is earlier. Both parents ~~must be required to~~ provide their social security numbers on any acknowledgment of paternity, consent affidavit, or stipulation of paternity. Except for affidavits under seal pursuant to ss. 382.015 and 382.016, the Office of Vital Statistics shall provide certified copies of affidavits to the Title IV-D agency upon request.

Section 20. (1) The Legislature finds that the likelihood of a noncustodial parent paying child support is directly related to the parent's employment and economic situation, with the strongest predictor of paying child support being the number of weeks a noncustodial parent works. An accumulation of large child support debt upon release from prison is unlikely to motivate a parent to work more, but rather result in him or her not working at all or working in the underground economy. This has negative consequences for the parent and the State of Florida and ultimately, these child support debts are not in the best interest of the child.

(2) It is the intent of the Legislature for the Department of Revenue to work collaboratively with the Department of Corrections, the Agency for Workforce Innovation, the Office of the State Courts Administrator, local law enforcement, community-based and faith-based organizations, and any additional stakeholders to:

(a) Identify strategies that would maximize an inmate's chance of successfully reentering society and reconnecting with his or her children by providing financial and emotional support, without the burden of an unmanageable amount of child support debt.

(b) Identify strategies for increasing the collection of current support obligations from incarcerated parents including collecting the appropriate data to develop the strategies and educating the noncustodial parents on their child support obligation.

(c) Identifying strategies for building collaboration and data-sharing between the stakeholders, particularly the Department of Revenue and the Department of Corrections, relating to continuing the initiative to increase the collection of child support from incarcerated parents.

(3) The Department of Revenue shall submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives, by December 31, 2004, that includes the data collected on noncustodial parents who are inmates and the recommendations for implementing identified strategies.

Section 21. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor June 18, 2004.

Filed in Office Secretary of State June 18, 2004.