

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Diaz, J. offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 409.2551, Florida Statutes, is amended
7 to read:

8 409.2551 Legislative intent.—Common-law and statutory
9 procedures governing the remedies for enforcement of support for
10 financially dependent children by persons responsible for their
11 support have not proven sufficiently effective or efficient to
12 cope with the increasing incidence of financial dependency. The
13 increasing workload of courts, prosecuting attorneys, and the
14 Attorney General has resulted in a growing burden on the
15 financial resources of the state, which is constrained to
16 provide public assistance for basic maintenance requirements

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17 when parents fail to meet their primary obligations. The state,
18 therefore, exercising its police and sovereign powers, declares
19 that the common-law and statutory remedies pertaining to family
20 desertion and nonsupport of dependent children shall be
21 augmented by additional remedies directed to the resources of
22 the responsible parents. In order to render resources more
23 immediately available to meet the needs of dependent children,
24 it is the legislative intent that the remedies provided herein
25 are in addition to, and not in lieu of, existing remedies. It is
26 declared to be the public policy of this state that this act be
27 construed and administered to the end that children shall be
28 maintained from the resources of their parents, thereby
29 relieving, at least in part, the burden presently borne by the
30 general citizenry through public assistance programs. It is also
31 the public policy of this state to encourage frequent contact
32 between a child and each parent to optimize the development of a
33 close and continuing relationship between each parent and the
34 child.

35 Section 2. Section 409.2554, Florida Statutes, is
36 reordered and amended to read:

37 409.2554 Definitions; ss. 409.2551-409.2598.—As used in
38 ss. 409.2551-409.2598, the term:

39 (5)~~(1)~~ "Department" means the Department of Revenue.

40 (6)~~(2)~~ "Dependent child" means any unemancipated person
41 under the age of 18, any person under the age of 21 and still in

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42 school, or any person who is mentally or physically
43 incapacitated when such incapacity began before ~~prior to~~ such
44 person reaching the age of 18. This definition may ~~shall~~ not be
45 construed to impose an obligation for child support beyond the
46 child's attainment of majority except as imposed in s. 409.2561.

47 (3) "Court" means the circuit court.

48 (4) "Court order" means any judgment or order of any court
49 of appropriate jurisdiction of the state, or an order of a court
50 of competent jurisdiction of another state, ordering payment of
51 a set or determinable amount of support money.

52 ~~(7)-(5)~~ "Health insurance" means coverage under a fee-for-
53 service arrangement, health maintenance organization, or
54 preferred provider organization, and other types of coverage
55 available to either parent, under which medical services could
56 be provided to a dependent child.

57 ~~(8)-(6)~~ "Obligee" means the person to whom support payments
58 are made pursuant to an alimony or child support order.

59 ~~(9)-(7)~~ "Obligor" means a person who is responsible for
60 making support payments pursuant to an alimony or child support
61 order.

62 ~~(12)-(8)~~ "Public assistance" means money assistance paid on
63 the basis of Title IV-E and Title XIX of the Social Security
64 Act, temporary cash assistance, or food assistance benefits
65 received on behalf of a child under 18 years of age who has an
66 absent parent.

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67 ~~(10)(9)~~ "Program attorney" means an attorney employed by
68 the department, under contract with the department, or employed
69 by a contractor of the department, to provide legal
70 representation for the department in a proceeding related to the
71 determination of paternity or the establishment, modification,
72 or enforcement of support brought pursuant to law.

73 ~~(11)(10)~~ "Prosecuting attorney" means any private
74 attorney, county attorney, city attorney, state attorney,
75 program attorney, or an attorney employed by an entity of a
76 local political subdivision who engages in legal action related
77 to the determination of paternity or the establishment,
78 modification, or enforcement of support brought pursuant to this
79 act.

80 (13) "State Case Registry" means the automated registry
81 maintained by the Title IV-D agency, containing records of each
82 Title IV-D case and of each support order established or
83 modified in the state on or after October 1, 1998. Such records
84 must consist of data elements as required by the United States
85 Secretary of Health and Human Services.

86 (14) "State Disbursement Unit" means the unit established
87 and operated by the Title IV-D agency to provide one central
88 address for collection and disbursement of child support
89 payments made in cases enforced by the department pursuant to
90 Title IV-D of the Social Security Act and in cases not being
91 enforced by the department in which the support order was

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92 initially issued in this state on or after January 1, 1994, and
93 in which the obligor's child support obligation is being paid
94 through income deduction order.

95 (16) "Title IV-D Standard Parenting Time Plan" means a
96 document that may be agreed to by the parents to govern the
97 relationship between the parents and to provide the parent who
98 owes support a reasonable minimum amount of time with his or her
99 child. The plan set forth in s. 409.25633 includes timetables
100 that specify the time, including overnights and holidays, that a
101 child may spend with each parent.

102 (15)-(11) "Support," unless otherwise specified, means:

103 (a) Child support, and, when the child support obligation
104 is being enforced by the Department of Revenue, spousal support
105 or alimony for the spouse or former spouse of the obligor with
106 whom the child is living.

107 (b) Child support only in cases not being enforced by the
108 Department of Revenue.

109 (1)-(12) "Administrative costs" means any costs, including
110 attorney attorney's fees, clerk's filing fees, recording fees
111 and other expenses incurred by the clerk of the circuit court,
112 service of process fees, or mediation costs, incurred by the
113 Title IV-D agency in its effort to administer the Title IV-D
114 program. The administrative costs that ~~which~~ must be collected
115 by the department shall be assessed on a case-by-case basis
116 based upon a method for determining costs approved by the

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117 Federal Government. The administrative costs shall be assessed
118 periodically by the department. The methodology for determining
119 administrative costs shall be made available to the judge or any
120 party who requests it. Only those amounts ordered independent of
121 current support, arrears, or past public assistance obligation
122 shall be considered and applied toward administrative costs.

123 (2)~~(13)~~ "Child support services" includes any civil,
124 criminal, or administrative action taken by the Title IV-D
125 program to determine paternity, establish, modify, enforce, or
126 collect support.

127 (17)~~(14)~~ "Undistributable collection" means a support
128 payment received by the department which the department
129 determines cannot be distributed to the final intended
130 recipient.

131 (18)~~(15)~~ "Unidentifiable collection" means a payment
132 received by the department for which a parent, depository or
133 circuit civil numbers, or source of the payment cannot be
134 identified.

135 Section 3. Subsection (2) of section 409.2557, Florida
136 Statutes, is amended to read:

137 409.2557 State agency for administering child support
138 enforcement program.—

139 (2) The department in its capacity as the state Title IV-D
140 agency has ~~shall have~~ the authority to take actions necessary to
141 carry out the public policy of ensuring that children are

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142 maintained from the resources of their parents to the extent
143 possible. The department's authority includes ~~shall include~~, but
144 is not ~~be~~ limited to, the establishment of paternity or support
145 obligations, the establishment of a Title IV-D Standard
146 Parenting Time Plan or any other parenting time plan agreed to
147 and signed by the parents, and ~~as well as~~ the modification,
148 enforcement, and collection of support obligations.

149 Section 4. Subsections (2), (4), (5), and (7) of section
150 409.2563, Florida Statutes, are amended to read:

151 409.2563 Administrative establishment of child support
152 obligations.-

153 (2) PURPOSE AND SCOPE.-

154 (a) It is not the Legislature's intent to limit the
155 jurisdiction of the circuit courts to hear and determine issues
156 regarding child support or parenting time. This section is
157 intended to provide the department with an alternative procedure
158 for establishing child support obligations and establishing a
159 parenting time plan only if the parents are in agreement, in
160 Title IV-D cases in a fair and expeditious manner when there is
161 no court order of support. The procedures in this section are
162 effective throughout the state and shall be implemented
163 statewide.

164 (b) If the parents do not have an existing time-sharing
165 schedule or parenting time plan and do not agree to a parenting
166 time plan, a plan may not be included in the initial

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167 administrative order and the order must include a statement
168 explaining its absence.

169 (c) If the parents have a judicially established parenting
170 time plan, the plan may not be included in the administrative or
171 initial judicial order.

172 (d) Any notification provided by the department may not
173 include a Title IV-D Standard Parenting Time Plan if Florida is
174 not the child's home state, when one parent does not reside in
175 Florida, if either parent has requested nondisclosure for fear
176 of harm from the other parent, or when the parent who owes
177 support is incarcerated.

178 (e) ~~(b)~~ The administrative procedure set forth in this
179 section concerns only the establishment of child support
180 obligations and, if agreed to and signed by both parents, a
181 parenting time plan or Title IV-D Standard Parenting Time Plan.
182 This section does not grant jurisdiction to the department or
183 the Division of Administrative Hearings to hear or determine
184 issues of dissolution of marriage, separation, alimony or
185 spousal support, termination of parental rights, dependency,
186 disputed paternity, except for a determination of paternity as
187 provided in s. 409.256, ~~or award of~~ or change of time-sharing.
188 If both parents have agreed to and signed a parenting time plan
189 before the establishment of the administrative support order,
190 the department or the Division of Administrative Hearings shall
191 incorporate the agreed-upon parenting time plan into the

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192 administrative support order. This paragraph notwithstanding,
193 the department and the Division of Administrative Hearings may
194 make findings of fact that are necessary for a proper
195 determination of a parent's support obligation as authorized by
196 this section.

197 (f) ~~(e)~~ If there is no support order for a child in a Title
198 IV-D case whose paternity has been established or is presumed by
199 law, or whose paternity is the subject of a proceeding under s.
200 409.256, the department may establish a parent's child support
201 obligation pursuant to this section, s. 61.30, and other
202 relevant provisions of state law. The administrative support
203 order must include a parenting time plan or Title IV-D Standard
204 Parenting Time Plan as agreed to and signed by both parents. The
205 parent's obligation determined by the department may include any
206 obligation to pay retroactive support and any obligation to
207 provide for health care for a child, whether through insurance
208 coverage, reimbursement of expenses, or both. The department may
209 proceed on behalf of:

210 1. An applicant or recipient of public assistance, as
211 provided by ss. 409.2561 and 409.2567;

212 2. A former recipient of public assistance, as provided by
213 s. 409.2569;

214 3. An individual who has applied for services as provided
215 by s. 409.2567;

216 4. Itself or the child, as provided by s. 409.2561; or

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217 5. A state or local government of another state, as
218 provided by chapter 88.

219 (g)~~(d)~~ Either parent, or a caregiver if applicable, may at
220 any time file a civil action in a circuit court having
221 jurisdiction and proper venue to determine parental support
222 obligations, if any. A support order issued by a circuit court
223 prospectively supersedes an administrative support order
224 rendered by the department.

225 (h)~~(e)~~ Pursuant to paragraph (e) ~~(b)~~, neither the
226 department nor the Division of Administrative Hearings has
227 jurisdiction to ~~award or~~ change child custody or rights of
228 parental contact. The department or the Division of
229 Administrative Hearings shall incorporate a parenting time plan
230 or Title IV-D Standard Parenting Time Plan as agreed to and
231 signed by both parents into the administrative support order.

232 Either parent may at any time file a civil action in a circuit
233 having jurisdiction and proper venue for a determination of
234 child custody and rights of parental contact.

235 (i)~~(f)~~ The department shall terminate the administrative
236 proceeding and file an action in circuit court to determine
237 support if within 20 days after receipt of the initial notice
238 the parent from whom support is being sought requests in writing
239 that the department proceed in circuit court or states in
240 writing his or her intention to address issues concerning time-
241 sharing or rights to parental contact in court and if within 10

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242 days after receipt of the department's petition and waiver of
243 service the parent from whom support is being sought signs and
244 returns the waiver of service form to the department.

245 ~~(j)-(g)~~ The notices and orders issued by the department
246 under this section shall be written clearly and plainly.

247 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
248 SUPPORT ORDER.—To commence a proceeding under this section, the
249 department shall provide to the parent from whom support is not
250 being sought and serve the parent from whom support is being
251 sought with a notice of proceeding to establish administrative
252 support order, a copy of the Title IV-D Standard Parenting Time
253 Plan, and a blank financial affidavit form. The notice must
254 state:

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

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

259 (c) That the department will incorporate a parenting time
260 plan or Title IV-D Standard Parenting Time Plan, as agreed to
261 and signed by both parents, into the administrative support
262 order;

263 ~~(d)-(e)~~ That both parents must submit a completed financial
264 affidavit to the department within 20 days after receiving the
265 notice, as provided by paragraph (13) (a);

266 ~~(e)-(d)~~ That both parents, or parent and caregiver if

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267 applicable, are required to furnish to the department
268 information regarding their identities and locations, as
269 provided by paragraph (13) (b);

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

275 ~~(g)~~~~(f)~~ That the department will calculate support
276 obligations based on the child support guidelines schedule in s.
277 61.30 and using all available information, as provided by
278 paragraph (5) (a), and will incorporate such obligations into a
279 proposed administrative support order;

280 ~~(h)~~~~(g)~~ That the department will send by regular mail to
281 both parents, or parent and caregiver if applicable, a copy of
282 the proposed administrative support order, the department's
283 child support worksheet, and any financial affidavits submitted
284 by a parent or prepared by the department;

285 ~~(i)~~~~(h)~~ That the parent from whom support is being sought
286 may file a request for a hearing in writing within 20 days after
287 the date of mailing or other service of the proposed
288 administrative support order or will be deemed to have waived
289 the right to request a hearing;

290 ~~(j)~~~~(i)~~ That if the parent from whom support is being
291 sought does not file a timely request for hearing after service

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292 of the proposed administrative support order, the department
293 will issue an administrative support order that incorporates the
294 findings of the proposed administrative support order, and any
295 agreed-upon parenting time plan. The department will send by
296 regular mail a copy of the administrative support order and any
297 incorporated parenting time plan to both parents, or parent and
298 caregiver if applicable;

299 (k)~~(j)~~ That after an administrative support order is
300 rendered incorporating any agreed-upon parenting time plan, the
301 department will file a copy of the order with the clerk of the
302 circuit court;

303 (l)~~(k)~~ That after an administrative support order is
304 rendered, the department may enforce the administrative support
305 order by any lawful means. The department does not have
306 jurisdiction to enforce any parenting time plan that is
307 incorporated into an administrative support order;

308 (m)~~(l)~~ That either parent, or caregiver if applicable, may
309 file at any time a civil action in a circuit court having
310 jurisdiction and proper venue to determine parental support
311 obligations, if any, and that a support order issued by a
312 circuit court supersedes an administrative support order
313 rendered by the department;

314 (n)~~(m)~~ That neither the department nor the Division of
315 Administrative Hearings has jurisdiction to ~~award or~~ change
316 child custody or rights of parental contact or time-sharing, and

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317 these issues may be addressed only in circuit court. The
318 department or the Division of Administrative Hearings may
319 incorporate, if agreed to and signed by both parents, a
320 parenting time plan or Title IV-D Standard Parenting Time Plan
321 when the administrative support order is established.

322 1. The parent from whom support is being sought may
323 request in writing that the department proceed in circuit court
324 to determine his or her support obligations.

325 2. The parent from whom support is being sought may state
326 in writing to the department his or her intention to address
327 issues concerning custody or rights to parental contact in
328 circuit court.

329 3. If the parent from whom support is being sought submits
330 the request authorized in subparagraph 1., or the statement
331 authorized in subparagraph 2. to the department within 20 days
332 after the receipt of the initial notice, the department shall
333 file a petition in circuit court for the determination of the
334 parent's child support obligations, and shall send to the parent
335 from whom support is being sought a copy of its petition, a
336 notice of commencement of action, and a request for waiver of
337 service of process as provided in the Florida Rules of Civil
338 Procedure.

339 4. If, within 10 days after receipt of the department's
340 petition and waiver of service, the parent from whom support is
341 being sought signs and returns the waiver of service form to the

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342 department, the department shall terminate the administrative
343 proceeding without prejudice and proceed in circuit court.

344 5. In any circuit court action filed by the department
345 pursuant to this paragraph or filed by a parent from whom
346 support is being sought or other person pursuant to paragraph
347 (m) ~~(l)~~ or paragraph (o) ~~(n)~~, the department shall be a party
348 only with respect to those issues of support allowed and
349 reimbursable under Title IV-D of the Social Security Act. It is
350 the responsibility of the parent from whom support is being
351 sought or other person to take the necessary steps to present
352 other issues for the court to consider;i-

353 (o) ~~(n)~~ That if the parent from whom support is being
354 sought files an action in circuit court and serves the
355 department with a copy of the petition within 20 days after
356 being served notice under this subsection, the administrative
357 process ends without prejudice and the action must proceed in
358 circuit court; and

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

363
364 The department may serve the notice of proceeding to establish
365 an administrative support order and agreed-upon parenting time
366 plan or Title IV-D Standard Parenting Time Plan by certified

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367 mail, restricted delivery, return receipt requested.
368 Alternatively, the department may serve the notice by any means
369 permitted for service of process in a civil action. For purposes
370 of this section, an authorized employee of the department may
371 serve the notice and execute an affidavit of service. Service by
372 certified mail is completed when the certified mail is received
373 or refused by the addressee or by an authorized agent as
374 designated by the addressee in writing. If a person other than
375 the addressee signs the return receipt, the department shall
376 attempt to reach the addressee by telephone to confirm whether
377 the notice was received, and the department shall document any
378 telephonic communications. If someone other than the addressee
379 signs the return receipt, the addressee does not respond to the
380 notice, and the department is unable to confirm that the
381 addressee has received the notice, service is not completed and
382 the department shall attempt to have the addressee served
383 personally. The department shall provide the parent from whom
384 support is not being sought or the caregiver with a copy of the
385 notice by regular mail to the last known address of the parent
386 from whom support is not being sought or caregiver.

387 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

388 (a) After serving notice upon a parent in accordance with
389 subsection (4), the department shall calculate that parent's
390 child support obligation under the child support guidelines
391 schedule as provided by s. 61.30, based on any timely financial

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392 affidavits received and other information available to the
393 department. If either parent fails to comply with the
394 requirement to furnish a financial affidavit, the department may
395 proceed on the basis of information available from any source,
396 if such information is sufficiently reliable and detailed to
397 allow calculation of guideline schedule amounts under s. 61.30.
398 If a parent receives public assistance and fails to submit a
399 financial affidavit, the department may submit a financial
400 affidavit or written declaration for that parent pursuant to s.
401 61.30(15). If there is a lack of sufficient reliable information
402 concerning a parent's actual earnings for a current or past
403 period, it shall be presumed for the purpose of establishing a
404 support obligation that the parent had an earning capacity equal
405 to the federal minimum wage during the applicable period.

406 (b) The department shall send by regular mail to both
407 parents, or to a parent and caregiver if applicable, copies of
408 the proposed administrative support order, a copy of the Title
409 IV-D Standard Parenting Time Plan, its completed child support
410 worksheet, and any financial affidavits submitted by a parent or
411 prepared by the department. The proposed administrative support
412 order must contain the same elements as required for an
413 administrative support order under paragraph (7)(e).

414 (c) The department shall provide a notice of rights with
415 the proposed administrative support order, which notice must
416 inform the parent from whom support is being sought that:

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417 1. The parent from whom support is being sought may,
418 within 20 days after the date of mailing or other service of the
419 proposed administrative support order, request a hearing by
420 filing a written request for hearing in a form and manner
421 specified by the department;

422 2. If the parent from whom support is being sought files a
423 timely request for a hearing, the case shall be transferred to
424 the Division of Administrative Hearings, which shall conduct
425 further proceedings and may enter an administrative support
426 order;

427 3. A parent from whom support is being sought who fails to
428 file a timely request for a hearing shall be deemed to have
429 waived the right to a hearing, and the department may render an
430 administrative support order pursuant to paragraph (7) (b);

431 4. The parent from whom support is being sought may
432 consent in writing to entry of an administrative support order
433 without a hearing;

434 5. The parent from whom support is being sought may,
435 within 10 days after the date of mailing or other service of the
436 proposed administrative support order, contact a department
437 representative, at the address or telephone number specified in
438 the notice, to informally discuss the proposed administrative
439 support order and, if informal discussions are requested timely,
440 the time for requesting a hearing will be extended until 10 days
441 after the department notifies the parent that the informal

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442 discussions have been concluded; and

443 6. If an administrative support order that establishes a
444 parent's support obligation and incorporates either a parenting
445 time plan or Title IV-D Standard Parenting Time Plan agreed to
446 and signed by both parents is rendered, whether after a hearing
447 or without a hearing, the department may enforce the
448 administrative support order by any lawful means. The department
449 does not have the jurisdiction or authority to enforce a
450 parenting time plan.

451 (d) If, after serving the proposed administrative support
452 order but before a final administrative support order is
453 rendered, the department receives additional information that
454 makes it necessary to amend the proposed administrative support
455 order, it shall prepare an amended proposed administrative
456 support order, with accompanying amended child support
457 worksheets and other material necessary to explain the changes,
458 and follow the same procedures set forth in paragraphs (b) and
459 (c).

460 (7) ADMINISTRATIVE SUPPORT ORDER.—

461 (a) If a hearing is held, the administrative law judge of
462 the Division of Administrative Hearings shall issue an
463 administrative support order that will include a parenting time
464 plan or Title IV-D Standard Parenting Time Plan agreed to and
465 signed by both parents, or a final order denying an
466 administrative support order, which constitutes final agency

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467 action by the department. The Division of Administrative
468 Hearings shall transmit any such order to the department for
469 filing and rendering.

470 (b) If the parent from whom support is being sought does
471 not file a timely request for a hearing, the parent will be
472 deemed to have waived the right to request a hearing.

473 (c) If the parent from whom support is being sought waives
474 the right to a hearing, or consents in writing to the entry of
475 an order without a hearing, the department may render an
476 administrative support order that will include a parenting time
477 plan or Title IV-D Standard Parenting Time Plan agreed to and
478 signed by both parents.

479 (d) The department shall send by regular mail a copy of
480 the administrative support order that will include a parenting
481 time plan or Title IV-D Standard Parenting Time Plan agreed to
482 and signed by both parents, or the final order denying an
483 administrative support order, to both parents, or a parent and
484 caregiver if applicable. The parent from whom support is being
485 sought shall be notified of the right to seek judicial review of
486 the administrative support order in accordance with s. 120.68.

487 (e) An administrative support order must comply with ss.
488 61.13(1) and 61.30. The department shall develop a standard form
489 or forms for administrative support orders. An administrative
490 support order must provide and state findings, if applicable,
491 concerning:

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- 492 1. The full name and date of birth of the child or
493 children;
- 494 2. The name of the parent from whom support is being
495 sought and the other parent or caregiver;
- 496 3. The parent's duty and ability to provide support;
- 497 4. The amount of the parent's monthly support obligation;
- 498 5. Any obligation to pay retroactive support;
- 499 6. The parent's obligation to provide for the health care
500 needs of each child, whether through health insurance,
501 contribution toward the cost of health insurance, payment or
502 reimbursement of health care expenses for the child, or any
503 combination thereof;
- 504 7. The beginning date of any required monthly payments and
505 health insurance;
- 506 8. That all support payments ordered must be paid to the
507 ~~Florida~~ State Disbursement Unit as provided by s. 61.1824;
- 508 9. That the parents, or caregiver if applicable, must file
509 with the department when the administrative support order is
510 rendered, if they have not already done so, and update as
511 appropriate the information required pursuant to paragraph
512 (13) (b);
- 513 10. That both parents, or parent and caregiver if
514 applicable, are required to promptly notify the department of
515 any change in their mailing addresses pursuant to paragraph
516 (13) (c); and

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517 11. That if the parent ordered to pay support receives
518 reemployment assistance or unemployment compensation benefits,
519 the payor shall withhold, and transmit to the department, 40
520 percent of the benefits for payment of support, not to exceed
521 the amount owed.

522
523 An income deduction order as provided by s. 61.1301 must be
524 incorporated into the administrative support order or, if not
525 incorporated into the administrative support order, the
526 department or the Division of Administrative Hearings shall
527 render a separate income deduction order.

528 Section 5. Section 409.25633, Florida Statutes, is created
529 to read:

530 409.25633 Title IV-D Standard Parenting Time Plans.—The
531 best interest of the child is the primary consideration of the
532 parenting plan and special consideration should be given to the
533 age and needs of each child. There is no presumption for or
534 against the father or mother of the child or for or against any
535 specific time-sharing schedule when a parenting time plan is
536 created.

537 (1) A Title IV-D Standard Parenting Time Plan shall be
538 presented to the parents in any administrative action taken by
539 the Title IV-D program to establish or modify child support or
540 to determine paternity. If the parents agree to the Title IV-D
541 Standard Parenting Time Plan or to another parenting time plan,

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542 the plan must be signed by the parents and incorporated into the
543 administrative order. If the parents do not agree to a Title IV-
544 D Standard Parenting Time Plan or if an agreed-upon parenting
545 time plan is not included, the Department of Revenue must enter
546 an administrative support order and refer the parents to the
547 court of appropriate jurisdiction to establish a parenting time
548 plan. The department must note on the referral that an
549 administrative support order has been entered. If a parenting
550 time plan is not included in the administrative support order
551 entered pursuant to s. 409.2563, the department must provide
552 information to the parents on the process to establish such a
553 plan.

554 (2) The parent who owes support is entitled to parenting
555 time with the child. If the parents do not have a signed,
556 agreed-upon parenting time plan, the following Title IV-D
557 Standard Parenting Time Plan must be incorporated into an
558 administrative support order if agreed to and signed by the
559 parents:

560 (a) Every other weekend.—The second and fourth full
561 weekend of the month from 6 p.m. on Friday through 6 p.m. on
562 Sunday. The weekends may begin upon the child's release from
563 school on Friday and end on Sunday at 6 p.m. or when the child
564 returns to school on Monday morning. The weekend time may be
565 extended by holidays that fall on Friday or Monday;

566 (b) One evening per week.—One weekday beginning at 6 p.m.

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567 and ending at 8 p.m. or, if both parents agree, from when the
568 child is released from school until 8 p.m.;

569 (c) Thanksgiving break.—In even-numbered years, the
570 Thanksgiving break from 6 p.m. on the Wednesday before
571 Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.
572 If both parents agree, the Thanksgiving break parenting time may
573 begin upon the child's release from school and end upon the
574 child's return to school the following Monday;

575 (d) Winter break.—In odd-numbered years, the first half of
576 winter break, from the child's release from school, beginning at
577 6 p.m. or, if both parents agree, upon the child's release from
578 school, until noon on December 26. In even-numbered years, the
579 second half of winter break from noon on December 26 until 6
580 p.m. on the day before school resumes or, if both parents agree,
581 upon the child's return to school;

582 (e) Spring break.—In even-numbered years, the week of
583 spring break from 6 p.m. the day the child is released from
584 school until 6 p.m. the night before school resumes. If both
585 parents agree, the spring break parenting time may begin upon
586 the child's release from school and end upon the child's return
587 to school the following Monday; and

588 (f) Summer break.—For 2 weeks in the summer beginning at 6
589 p.m. the first Sunday following the last day of school.

590 (3) In the event the parents have not agreed on a
591 parenting schedule at the time of the child support hearing, the

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592 department shall enter an administrative support order and refer
593 the parents to a court of appropriate jurisdiction for the
594 establishment of a parenting time plan.

595 (4) The Title IV-D Standard Parenting Time Plan is not
596 intended for the use by, and may not be provided to, parents and
597 families with domestic or family violence concerns.

598 (5) After the incorporation of an agreed-upon parenting
599 time plan into an administrative support order, a modification
600 of the parenting time plan may be sought through a court of
601 appropriate jurisdiction.

602 (6) The department shall create and provide a form for a
603 petition to establish a parenting time plan for parents who have
604 not agreed on a parenting schedule at the time of the child
605 support hearing. The department shall provide the form to the
606 parents, but may not file the petition or represent either
607 parent at the hearing.

608 (7) The parents may not be required to pay a fee to file
609 the petition to establish a parenting plan.

610 (8) The department may adopt rules to implement and
611 administer this section.

612 Section 6. Subsections (1) and (2) of section 409.2564,
613 Florida Statutes, are amended to read:

614 409.2564 Actions for support.—

615 (1) In each case in which regular support payments are not
616 being made as provided herein, the department shall institute,

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617 within 30 days after determination of the obligor's reasonable
618 ability to pay, action as is necessary to secure the obligor's
619 payment of current support, ~~and~~ any arrearage that ~~which~~ may
620 have accrued under an existing order of support, and, if a
621 parenting time plan was not incorporated into the existing order
622 of support, include either a signed, agreed-upon parenting time
623 plan or a signed Title IV-D Standard Parenting Time Plan, if
624 appropriate. The department shall notify the program attorney in
625 the judicial circuit in which the recipient resides setting
626 forth the facts in the case, including the obligor's address, if
627 known, and the public assistance case number. Whenever
628 applicable, the procedures established under ~~the provisions of~~
629 chapter 88, Uniform Interstate Family Support Act, chapter 61,
630 Dissolution of Marriage; Support; Time-sharing, chapter 39,
631 Proceedings Relating to Children, chapter 984, Children and
632 Families in Need of Services, and chapter 985, Delinquency;
633 Interstate Compact on Juveniles, may govern actions instituted
634 under ~~the provisions of~~ this act, except that actions for
635 support under chapter 39, chapter 984, or chapter 985 brought
636 pursuant to this act shall not require any additional
637 investigation or supervision by the department.

638 (2) The order for support entered pursuant to an action
639 instituted by the department under ~~the provisions of~~ subsection
640 (1) shall require that the support payments be made periodically
641 to the department through the depository. An order for support

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642 entered under subsection (1) must include either a signed,
643 agreed-upon parenting time plan or a signed Title IV-D Standard
644 Parenting Time Plan, if appropriate. Upon receipt of a payment
645 made by the obligor pursuant to any order of the court, the
646 depository shall transmit the payment to the department within 2
647 working days, except those payments made by personal check which
648 shall be disbursed in accordance with s. 61.181. Upon request,
649 the depository shall furnish to the department a certified
650 statement of all payments made by the obligor. Such statement
651 shall be provided by the depository at no cost to the
652 department.

653 Section 7. Paragraph (g) of subsection (2) and paragraph
654 (a) of subsection (4) of section 409.256, Florida Statutes, are
655 amended to read:

656 409.256 Administrative proceeding to establish paternity
657 or paternity and child support; order to appear for genetic
658 testing.—

659 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO
660 THE COURTS.—

661 (g) Section 409.2563(2)(h), (i), and (j) ~~409.2563(2)(e),~~
662 ~~(f), and (g)~~ apply to a proceeding under this section.

663 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
664 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
665 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue
666 shall commence a proceeding to determine paternity, or a

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667 proceeding to determine both paternity and child support, by
668 serving the respondent with a notice as provided in this
669 section. An order to appear for genetic testing may be served at
670 the same time as a notice of the proceeding or may be served
671 separately. A copy of the affidavit or written declaration upon
672 which the proceeding is based shall be provided to the
673 respondent when notice is served. A notice or order to appear
674 for genetic testing shall be served by certified mail,
675 restricted delivery, return receipt requested, or in accordance
676 with the requirements for service of process in a civil action.
677 Service by certified mail is completed when the certified mail
678 is received or refused by the addressee or by an authorized
679 agent as designated by the addressee in writing. If a person
680 other than the addressee signs the return receipt, the
681 department shall attempt to reach the addressee by telephone to
682 confirm whether the notice was received, and the department
683 shall document any telephonic communications. If someone other
684 than the addressee signs the return receipt, the addressee does
685 not respond to the notice, and the department is unable to
686 confirm that the addressee has received the notice, service is
687 not completed and the department shall attempt to have the
688 addressee served personally. For purposes of this section, an
689 employee or an authorized agent of the department may serve the
690 notice or order to appear for genetic testing and execute an
691 affidavit of service. The department may serve an order to

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692 appear for genetic testing on a caregiver. The department shall
693 provide a copy of the notice or order to appear by regular mail
694 to the mother and caregiver, if they are not respondents.

695 (a) A notice of proceeding to establish paternity must
696 state:

697 1. That the department has commenced an administrative
698 proceeding to establish whether the putative father is the
699 biological father of the child named in the notice.

700 2. The name and date of birth of the child and the name of
701 the child's mother.

702 3. That the putative father has been named in an affidavit
703 or written declaration that states the putative father is or may
704 be the child's biological father.

705 4. That the respondent is required to submit to genetic
706 testing.

707 5. That genetic testing will establish either a high
708 degree of probability that the putative father is the biological
709 father of the child or that the putative father cannot be the
710 biological father of the child.

711 6. That if the results of the genetic test do not indicate
712 a statistical probability of paternity that equals or exceeds 99
713 percent, the paternity proceeding in connection with that child
714 shall cease unless a second or subsequent test is required.

715 7. That if the results of the genetic test indicate a
716 statistical probability of paternity that equals or exceeds 99

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717 | percent, the department may:

718 | a. Issue a proposed order of paternity that the respondent
719 | may consent to or contest at an administrative hearing; or

720 | b. Commence a proceeding, as provided in s. 409.2563, to
721 | establish an administrative support order for the child. Notice
722 | of the proceeding shall be provided to the respondent by regular
723 | mail.

724 | 8. That, if the genetic test results indicate a
725 | statistical probability of paternity that equals or exceeds 99
726 | percent and a proceeding to establish an administrative support
727 | order is commenced, the department shall issue a proposed order
728 | that addresses paternity and child support. The respondent may
729 | consent to or contest the proposed order at an administrative
730 | hearing.

731 | 9. That if a proposed order of paternity or proposed order
732 | of both paternity and child support is not contested, the
733 | department shall adopt the proposed order and render a final
734 | order that establishes paternity and, if appropriate, an
735 | administrative support order for the child.

736 | 10. That, until the proceeding is ended, the respondent
737 | shall notify the department in writing of any change in the
738 | respondent's mailing address and that the respondent shall be
739 | deemed to have received any subsequent order, notice, or other
740 | paper mailed to the most recent address provided or, if a more
741 | recent address is not provided, to the address at which the

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742 respondent was served, and that this requirement continues if
743 the department renders a final order that establishes paternity
744 and a support order for the child.

745 11. That the respondent may file an action in circuit
746 court for a determination of paternity, child support
747 obligations, or both.

748 12. That if the respondent files an action in circuit
749 court and serves the department with a copy of the petition or
750 complaint within 20 days after being served notice under this
751 subsection, the administrative process ends without prejudice
752 and the action must proceed in circuit court.

753 13. That, if paternity is established, the putative father
754 may file a petition in circuit court for a determination of
755 matters relating to custody and rights of parental contact.

756

757 A notice under this paragraph must also notify the respondent of
758 the provisions in s. 409.2563(4)(n) and (p) ~~s. 409.2563(4)(m)~~
759 ~~and (o)~~.

760 Section 8. Subsection (5) of section 409.2572, Florida
761 Statutes, is amended to read:

762 409.2572 Cooperation.—

763 (5) As used in this section only, the term "applicant for
764 or recipient of public assistance for a dependent child" refers
765 to such applicants and recipients of public assistance as
766 defined in s. 409.2554(12) ~~s. 409.2554(8)~~, with the exception of

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767 applicants for or recipients of Medicaid solely for the benefit
768 of a dependent child.

769 Section 9. The Department of Revenue shall report to the
770 Governor, the President of the Senate, and the Speaker of the
771 House of Representatives by December 31, 2018, on the status of
772 the implementation of this act, including the number of
773 parenting plans entered with administrative support orders and
774 the number of parents referred to the circuit court to determine
775 a parenting plan. The report must include recommendations to
776 facilitate further implementation of this act.

777 Section 10. For the 2017-2018 fiscal year, the sums of
778 \$350,476 in recurring funds and \$690,650 in nonrecurring funds
779 are appropriated from the General Revenue Fund to the Department
780 of Revenue for the purpose of implementing this act.

781 Section 11. This act shall take effect January 1, 2018.

782
783 -----

784 **T I T L E A M E N D M E N T**

785 Remove everything before the enacting clause and insert:
786 An act relating to child support and parenting time plans;
787 amending s. 409.2551, F.S.; providing legislative intent to
788 encourage frequent contact between a child and each parent;
789 amending s. 409.2554, F.S.; defining terms; amending s.
790 409.2557, F.S.; authorizing the Department of Revenue to
791 establish parenting time plans agreed to by both parents in

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1337 (2017)

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792 Title IV-D child support actions; amending s. 409.2563, F.S.;

793 requiring the department to mail a Title IV-D Standard Parenting

794 Time Plan with proposed administrative support orders; providing

795 requirements for including parenting time plans in certain

796 administrative orders; creating s. 409.25633, F.S.; providing

797 the purpose and requirements for a Title IV-D Standard Parenting

798 Time Plan; requiring the department to refer parents who do not

799 agree on a parenting time plan to a circuit court; requiring the

800 department to create and provide a form for a petition to

801 establish a parenting time plan under certain circumstances;

802 specifying that the parents are not required to pay a fee to

803 file the petition; authorizing the department to adopt rules;

804 amending s. 409.2564, F.S.; authorizing the department to

805 incorporate either a signed, agreed-upon parenting time plan or

806 a signed Title IV-D Standard Parenting Time Plan in a child

807 support order; amending ss. 409.256 and 409.2572, F.S.;

808 conforming cross-references; requiring the department to submit

809 a report to the Governor and Legislature by a specified date;

810 specifying requirements for the report; providing an

811 appropriation; providing an effective date.

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