

1                   A bill to be entitled  
2           An act relating to child support and parenting time  
3           plans; amending s. 409.2551, F.S.; stating legislative  
4           intent to encourage frequent contact between a child  
5           and each parent; amending s. 409.2554, F.S.; defining  
6           terms; amending s. 409.2557, F.S.; authorizing the  
7           Department of Revenue to establish parenting time  
8           plans agreed to by both parents in Title IV-D child  
9           support actions; amending s. 409.2563, F.S.; requiring  
10          the department to mail Title IV-D Standard Parenting  
11          Time Plans with proposed administrative support  
12          orders; providing requirements for including parenting  
13          time plans in certain administrative orders; creating  
14          s. 409.25633, F.S.; providing the purpose of and  
15          requirements for Title IV-D Standard Parenting Time  
16          Plans; requiring the department to refer parents who  
17          do not agree on a parenting time plan to a circuit  
18          court; authorizing modification of a parenting time  
19          plan based on safety concerns; requiring the  
20          department to create and provide a form for a petition  
21          to establish a parenting time plan under certain  
22          circumstances; authorizing the department to adopt  
23          rules; amending s. 409.2564, F.S.; authorizing the  
24          department to incorporate either an agreed-upon  
25          parenting time plan or a Title IV-D Standard Parenting

26 | Time Plan in a child support order; amending ss.  
27 | 409.256 and 409.2572, F.S.; conforming cross-  
28 | references; requiring the department to submit a  
29 | report that includes a timeline for implementation and  
30 | costs of administering the parenting time plans by a  
31 | specific date to the Governor and the Legislature;  
32 | providing effective dates.  
33 |

34 | Be It Enacted by the Legislature of the State of Florida:  
35 |

36 | Section 1. Section 409.2551, Florida Statutes, is amended  
37 | to read:

38 | 409.2551 Legislative intent.—Common-law and statutory  
39 | procedures governing the remedies for enforcement of support for  
40 | financially dependent children by persons responsible for their  
41 | support have not proven sufficiently effective or efficient to  
42 | cope with the increasing incidence of financial dependency. The  
43 | increasing workload of courts, prosecuting attorneys, and the  
44 | Attorney General has resulted in a growing burden on the  
45 | financial resources of the state, which is constrained to  
46 | provide public assistance for basic maintenance requirements  
47 | when parents fail to meet their primary obligations. The state,  
48 | therefore, exercising its police and sovereign powers, declares  
49 | that the common-law and statutory remedies pertaining to family  
50 | desertion and nonsupport of dependent children shall be

51 augmented by additional remedies directed to the resources of  
 52 the responsible parents. In order to render resources more  
 53 immediately available to meet the needs of dependent children,  
 54 it is the legislative intent that the remedies provided herein  
 55 are in addition to, and not in lieu of, existing remedies. It is  
 56 declared to be the public policy of this state that this act be  
 57 construed and administered to the end that children shall be  
 58 maintained from the resources of their parents, thereby  
 59 relieving, at least in part, the burden presently borne by the  
 60 general citizenry through public assistance programs. It is also  
 61 the public policy of this state to encourage frequent contact  
 62 between a child and each parent to optimize the development of a  
 63 close and continuing relationship between each parent and the  
 64 child. There is no presumption for or against the father or  
 65 mother of the child or for or against any specific time-sharing  
 66 schedule when a parenting time plan is created.

67 Section 2. Section 409.2554, Florida Statutes, is  
 68 reordered and amended to read:

69 409.2554 Definitions; ss. 409.2551-409.2598.—As used in  
 70 ss. 409.2551-409.2598, the term:

71 (5)~~(1)~~ "Department" means the Department of Revenue.

72 (6)~~(2)~~ "Dependent child" means any unemancipated person  
 73 under the age of 18, any person under the age of 21 and still in  
 74 school, or any person who is mentally or physically  
 75 incapacitated when such incapacity began before ~~prior to~~ such

76 | person reached ~~reaching~~ the age of 18. This definition may ~~shall~~  
77 | not be construed to impose an obligation for child support  
78 | beyond the child's attainment of majority except as imposed in  
79 | s. 409.2561.

80 | (3) "Court" means the circuit court.

81 | (4) "Court order" means any judgment or order of any court  
82 | of appropriate jurisdiction of the state, or an order of a court  
83 | of competent jurisdiction of another state, ordering payment of  
84 | a set or determinable amount of support money.

85 | (7)~~(5)~~ "Health insurance" means coverage under a fee-for-  
86 | service arrangement, health maintenance organization, or  
87 | preferred provider organization, and other types of coverage  
88 | available to either parent, under which medical services could  
89 | be provided to a dependent child.

90 | (8)~~(6)~~ "Obligee" means the person to whom support payments  
91 | are made pursuant to an alimony or child support order.

92 | (9)~~(7)~~ "Obligor" means a person who is responsible for  
93 | making support payments pursuant to an alimony or child support  
94 | order.

95 | (12)~~(8)~~ "Public assistance" means money assistance paid on  
96 | the basis of Title IV-E and Title XIX of the Social Security  
97 | Act, temporary cash assistance, or food assistance benefits  
98 | received on behalf of a child under 18 years of age who has an  
99 | absent parent.

100 | (10)~~(9)~~ "Program attorney" means an attorney employed by

101 the department, under contract with the department, or employed  
102 by a contractor of the department, to provide legal  
103 representation for the department in a proceeding related to the  
104 determination of paternity or the establishment, modification,  
105 or enforcement of support brought pursuant to law.

106 (11) ~~(10)~~ "Prosecuting attorney" means any private  
107 attorney, county attorney, city attorney, state attorney,  
108 program attorney, or an attorney employed by an entity of a  
109 local political subdivision who engages in legal action related  
110 to the determination of paternity or the establishment,  
111 modification, or enforcement of support brought pursuant to this  
112 act.

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

119 (14) "State Disbursement Unit" means the unit established  
120 and operated by the Title IV-D agency to provide one central  
121 address for collection and disbursement of child support  
122 payments made in cases enforced by the department pursuant to  
123 Title IV-D of the Social Security Act and in cases not being  
124 enforced by the department in which the support order was  
125 initially issued in this state on or after January 1, 1994, and

126 | in which the obligor's child support obligation is being paid  
 127 | through income deduction order.

128 | (16) "Title IV-D Standard Parenting Time Plan" means a  
 129 | document which may be agreed to by the parents to govern the  
 130 | relationship between the parents and to provide the parent who  
 131 | owes support a reasonable minimum amount of time with his or her  
 132 | child. The plans set forth in s. 409.25633 include timetables  
 133 | that specify the time, including overnights and holidays, that a  
 134 | minor child 3 years of age or older may spend with each parent.

135 | (15)~~(11)~~ "Support," unless otherwise specified, means:

136 | (a) Child support, and, when the child support obligation  
 137 | is being enforced by the Department of Revenue, spousal support  
 138 | or alimony for the spouse or former spouse of the obligor with  
 139 | whom the child is living.

140 | (b) Child support only in cases not being enforced by the  
 141 | Department of Revenue.

142 | (1)~~(12)~~ "Administrative costs" means any costs, including  
 143 | attorney ~~attorney's~~ fees, clerk's filing fees, recording fees  
 144 | and other expenses incurred by the clerk of the circuit court,  
 145 | service of process fees, or mediation costs, incurred by the  
 146 | Title IV-D agency in its effort to administer the Title IV-D  
 147 | program. The administrative costs that ~~which~~ must be collected  
 148 | by the department shall be assessed on a case-by-case basis  
 149 | based upon a method for determining costs approved by the  
 150 | Federal Government. The administrative costs shall be assessed

151 periodically by the department. The methodology for determining  
152 administrative costs shall be made available to the judge or any  
153 party who requests it. Only those amounts ordered independent of  
154 current support, arrears, or past public assistance obligation  
155 shall be considered and applied toward administrative costs.

156 (2)~~(13)~~ "Child support services" includes any civil,  
157 criminal, or administrative action taken by the Title IV-D  
158 program to determine paternity or to ~~establish~~, modify,  
159 enforce, or collect support.

160 (17)~~(14)~~ "Undistributable collection" means a support  
161 payment received by the department which the department  
162 determines cannot be distributed to the final intended  
163 recipient.

164 (18)~~(15)~~ "Unidentifiable collection" means a payment  
165 received by the department for which a parent, depository or  
166 circuit civil numbers, or source of the payment cannot be  
167 identified.

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

170 409.2557 State agency for administering child support  
171 enforcement program.—

172 (2) The department in its capacity as the state Title IV-D  
173 agency has ~~shall have~~ the authority to take actions necessary to  
174 carry out the public policy of ensuring that children are  
175 maintained from the resources of their parents to the extent

176 possible. The department's authority includes ~~shall include~~, but  
177 is not ~~be~~ limited to, the establishment of paternity or support  
178 obligations, the establishment of a Title IV-D Standard  
179 Parenting Time Plan or any other parenting time plan agreed to  
180 by the parents, and ~~as well as~~ the modification, enforcement,  
181 and collection of support obligations.

182 Section 4. Subsections (2), (4), (5), and (7) of section  
183 409.2563, Florida Statutes, are amended to read:

184 409.2563 Administrative establishment of child support  
185 obligations.—

186 (2) PURPOSE AND SCOPE.—

187 (a) It is not the Legislature's intent to limit the  
188 jurisdiction of the circuit courts to hear and determine issues  
189 regarding child support or parenting time. This section is  
190 intended to provide the department with an alternative procedure  
191 for establishing child support obligations and establishing a  
192 parenting time plan only if the parents are in agreement, in  
193 Title IV-D cases in a fair and expeditious manner when there is  
194 no court order of support. The procedures in this section are  
195 effective throughout the state and shall be implemented  
196 statewide.

197 (b) If the parents do not have an existing time-sharing  
198 schedule or parenting time plan and do not agree to a parenting  
199 time plan, a parenting time plan will not be included in the  
200 initial administrative order, only a statement explaining its



201 absence.

202 (c) If the parents have a judicially established parenting  
 203 time plan, the plan will not be included in the administrative  
 204 or initial judicial order.

205 (d) Any notification provided by the department will not  
 206 include Title IV-D Standard Parenting Time Plans if Florida is  
 207 not the child's home state, when one parent does not reside in  
 208 Florida, if either parent has requested nondisclosure for fear  
 209 of harm from the other parent, or when the parent who owes  
 210 support is incarcerated.

211 (e) ~~(b)~~ The administrative procedure set forth in this  
 212 section concerns only the establishment of child support  
 213 obligations and, if agreed to by both parents, a parenting time  
 214 plan or Title IV-D Standard Parenting Time Plan. This section  
 215 does not grant jurisdiction to the department or the Division of  
 216 Administrative Hearings to hear or determine issues of  
 217 dissolution of marriage, separation, alimony or spousal support,  
 218 termination of parental rights, dependency, disputed paternity,  
 219 except for a determination of paternity as provided in s.  
 220 409.256, or award of or change of time-sharing. If both parents  
 221 have agreed to a parenting time plan before the establishment of  
 222 the administrative support order, the department or the Division  
 223 of Administrative Hearings will incorporate the agreed-upon  
 224 parenting time plan into the administrative support order. This  
 225 paragraph notwithstanding, the department and the Division of

226 Administrative Hearings may make findings of fact that are  
 227 necessary for a proper determination of a parent's support  
 228 obligation as authorized by this section.

229 ~~(f)(e)~~ If there is no support order for a child in a Title  
 230 IV-D case whose paternity has been established or is presumed by  
 231 law, or whose paternity is the subject of a proceeding under s.  
 232 409.256, the department may establish a parent's child support  
 233 obligation pursuant to this section, s. 61.30, and other  
 234 relevant provisions of state law. The administrative support  
 235 order will include a parenting time plan or Title IV-D Standard  
 236 Parenting Time Plan as agreed to by both parents. The parent's  
 237 obligation determined by the department may include any  
 238 obligation to pay retroactive support and any obligation to  
 239 provide for health care for a child, whether through insurance  
 240 coverage, reimbursement of expenses, or both. The department may  
 241 proceed on behalf of:

- 242 1. An applicant or recipient of public assistance, as  
 243 provided by ss. 409.2561 and 409.2567;
- 244 2. A former recipient of public assistance, as provided by  
 245 s. 409.2569;
- 246 3. An individual who has applied for services as provided  
 247 by s. 409.2567;
- 248 4. Itself or the child, as provided by s. 409.2561; or
- 249 5. A state or local government of another state, as  
 250 provided by chapter 88.

251        (g)~~(d)~~ Either parent, or a caregiver if applicable, may at  
252 any time file a civil action in a circuit court having  
253 jurisdiction and proper venue to determine parental support  
254 obligations, if any. A support order issued by a circuit court  
255 prospectively supersedes an administrative support order  
256 rendered by the department.

257        (h)~~(e)~~ Pursuant to paragraph (e) ~~(b)~~, neither the  
258 department nor the Division of Administrative Hearings has  
259 jurisdiction to ~~award or~~ change child custody or rights of  
260 parental contact. The department or the Division of  
261 Administrative Hearings will incorporate a parenting time plan  
262 or Title IV-D Standard Parenting Time Plan as agreed to by both  
263 parents into the administrative support order. Either parent may  
264 at any time file a civil action in a circuit having jurisdiction  
265 and proper venue for a determination of child custody and rights  
266 of parental contact.

267        (i)~~(f)~~ The department shall terminate the administrative  
268 proceeding and file an action in circuit court to determine  
269 support if within 20 days after receipt of the initial notice  
270 the parent from whom support is being sought requests in writing  
271 that the department proceed in circuit court or states in  
272 writing his or her intention to address issues concerning time-  
273 sharing or rights to parental contact in court and if within 10  
274 days after receipt of the department's petition and waiver of  
275 service the parent from whom support is being sought signs and

276 returns the waiver of service form to the department.

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

279 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE  
 280 SUPPORT ORDER.—To commence a proceeding under this section, the  
 281 department shall provide to the parent from whom support is not  
 282 being sought and serve the parent from whom support is being  
 283 sought with a notice of proceeding to establish administrative  
 284 support order, a copy of the Title IV-D Standard Parenting Time  
 285 Plans, and a blank financial affidavit form. The notice must  
 286 state:

287 (a) The names of both parents, the name of the caregiver,  
 288 if any, and the name and date of birth of the child or  
 289 children.~~†~~

290 (b) That the department intends to establish an  
 291 administrative support order as defined in this section.~~†~~

292 (c) That the department will incorporate a parenting time  
 293 plan or Title IV-D Standard Parenting Time Plan, as agreed to by  
 294 both parents, into the administrative support order.

295 (d)~~(e)~~ That both parents must submit a completed financial  
 296 affidavit to the department within 20 days after receiving the  
 297 notice, as provided by paragraph (13) (a).~~†~~

298 (e)~~(d)~~ That both parents, or parent and caregiver if  
 299 applicable, are required to furnish to the department  
 300 information regarding their identities and locations, as

301 provided by paragraph (13) (b) .~~†~~

302 (f)~~(e)~~ That both parents, or parent and caregiver if  
303 applicable, are required to promptly notify the department of  
304 any change in their mailing addresses to ensure receipt of all  
305 subsequent pleadings, notices, and orders, as provided by  
306 paragraph (13) (c) .~~†~~

307 (g)~~(f)~~ That the department will calculate support  
308 obligations based on the child support guidelines schedule in s.  
309 61.30 and using all available information, as provided by  
310 paragraph (5) (a), and will incorporate such obligations into a  
311 proposed administrative support order .~~†~~

312 (h)~~(g)~~ That the department will send by regular mail to  
313 both parents, or parent and caregiver if applicable, a copy of  
314 the proposed administrative support order, the department's  
315 child support worksheet, and any financial affidavits submitted  
316 by a parent or prepared by the department .~~†~~

317 (i)~~(h)~~ That the parent from whom support is being sought  
318 may file a request for a hearing in writing within 20 days after  
319 the date of mailing or other service of the proposed  
320 administrative support order or will be deemed to have waived  
321 the right to request a hearing ,~~†~~

322 (j)~~(i)~~ That if the parent from whom support is being  
323 sought does not file a timely request for hearing after service  
324 of the proposed administrative support order, the department  
325 will issue an administrative support order that incorporates the

326 findings of the proposed administrative support order~~7~~ and any  
327 agreed-upon parenting time plan. The department will send by  
328 regular mail a copy of the administrative support order and any  
329 incorporated parenting time plan to both parents~~7~~ or to the  
330 parent and the caregiver, if applicable.~~7~~

331 (k)~~(j)~~ That after an administrative support order is  
332 rendered incorporating any agreed-upon parenting time plan, the  
333 department will file a copy of the order with the clerk of the  
334 circuit court.~~7~~

335 (l)~~(k)~~ That after an administrative support order is  
336 rendered, the department may enforce the administrative support  
337 order by any lawful means. The department does not have  
338 jurisdiction to enforce any parenting time plan that is  
339 incorporated into an administrative support order.~~7~~

340 (m)~~(l)~~ That either parent, or caregiver if applicable, may  
341 file at any time a civil action in a circuit court having  
342 jurisdiction and proper venue to determine parental support  
343 obligations, if any, and that a support order issued by a  
344 circuit court supersedes an administrative support order  
345 rendered by the department.~~7~~

346 (n)~~(m)~~ That neither the department nor the Division of  
347 Administrative Hearings has jurisdiction to ~~award or~~ change  
348 child custody or rights of parental contact or time-sharing, and  
349 these issues may be addressed only in circuit court. The  
350 department or the Division of Administrative Hearings may

351 incorporate, if agreed to by both parents, a parenting time plan  
352 or Title IV-D Standard Parenting Time Plan when the  
353 administrative support order is established.

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

357 2. The parent from whom support is being sought may state  
358 in writing to the department his or her intention to address  
359 issues concerning custody or rights to parental contact in  
360 circuit court.

361 3. If the parent from whom support is being sought submits  
362 the request authorized in subparagraph 1., or the statement  
363 authorized in subparagraph 2. to the department within 20 days  
364 after the receipt of the initial notice, the department shall  
365 file a petition in circuit court for the determination of the  
366 parent's child support obligations, and shall send to the parent  
367 from whom support is being sought a copy of its petition, a  
368 notice of commencement of action, and a request for waiver of  
369 service of process as provided in the Florida Rules of Civil  
370 Procedure.

371 4. If, within 10 days after receipt of the department's  
372 petition and waiver of service, the parent from whom support is  
373 being sought signs and returns the waiver of service form to the  
374 department, the department shall terminate the administrative  
375 proceeding without prejudice and proceed in circuit court.

376           5. In any circuit court action filed by the department  
377 pursuant to this paragraph or filed by a parent from whom  
378 support is being sought or other person pursuant to paragraph  
379 (m) ~~(l)~~ or paragraph (o) ~~(n)~~, the department shall be a party  
380 only with respect to those issues of support allowed and  
381 reimbursable under Title IV-D of the Social Security Act. It is  
382 the responsibility of the parent from whom support is being  
383 sought or other person to take the necessary steps to present  
384 other issues for the court to consider.

385           (o) ~~(n)~~ That if the parent from whom support is being  
386 sought files an action in circuit court and serves the  
387 department with a copy of the petition within 20 days after  
388 being served notice under this subsection, the administrative  
389 process ends without prejudice and the action must proceed in  
390 circuit court. ~~†~~

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

395  
396 The department may serve the notice of proceeding to establish  
397 an administrative support order and Title IV-D Standard  
398 Parenting Time Plans by certified mail, restricted delivery,  
399 return receipt requested. Alternatively, the department may  
400 serve the notice by any means permitted for service of process



401 in a civil action. For purposes of this section, an authorized  
402 employee of the department may serve the notice and execute an  
403 affidavit of service. Service by certified mail is completed  
404 when the certified mail is received or refused by the addressee  
405 or by an authorized agent as designated by the addressee in  
406 writing. If a person other than the addressee signs the return  
407 receipt, the department shall attempt to reach the addressee by  
408 telephone to confirm whether the notice was received, and the  
409 department shall document any telephonic communications. If  
410 someone other than the addressee signs the return receipt, the  
411 addressee does not respond to the notice, and the department is  
412 unable to confirm that the addressee has received the notice,  
413 service is not completed and the department shall attempt to  
414 have the addressee served personally. The department shall  
415 provide the parent from whom support is not being sought or the  
416 caregiver with a copy of the notice by regular mail to the last  
417 known address of the parent from whom support is not being  
418 sought or caregiver.

419 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

420 (a) After serving notice upon a parent in accordance with  
421 subsection (4), the department shall calculate that parent's  
422 child support obligation under the child support guidelines  
423 schedule as provided by s. 61.30, based on any timely financial  
424 affidavits received and other information available to the  
425 department. If either parent fails to comply with the

426 requirement to furnish a financial affidavit, the department may  
427 proceed on the basis of information available from any source,  
428 if such information is sufficiently reliable and detailed to  
429 allow calculation of guideline schedule amounts under s. 61.30.  
430 If a parent receives public assistance and fails to submit a  
431 financial affidavit, the department may submit a financial  
432 affidavit or written declaration for that parent pursuant to s.  
433 61.30(15). If there is a lack of sufficient reliable information  
434 concerning a parent's actual earnings for a current or past  
435 period, it shall be presumed for the purpose of establishing a  
436 support obligation that the parent had an earning capacity equal  
437 to the federal minimum wage during the applicable period.

438 (b) The department shall send by regular mail to both  
439 parents, or to a parent and caregiver if applicable, copies of  
440 the proposed administrative support order, a copy of the Title  
441 IV-D Standard Parenting Time Plans, its completed child support  
442 worksheet, and any financial affidavits submitted by a parent or  
443 prepared by the department. The proposed administrative support  
444 order must contain the same elements as required for an  
445 administrative support order under paragraph (7)(e).

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

449 1. The parent from whom support is being sought may,  
450 within 20 days after the date of mailing or other service of the

451 proposed administrative support order, request a hearing by  
452 filing a written request for hearing in a form and manner  
453 specified by the department;

454 2. If the parent from whom support is being sought files a  
455 timely request for a hearing, the case shall be transferred to  
456 the Division of Administrative Hearings, which shall conduct  
457 further proceedings and may enter an administrative support  
458 order;

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

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

466 5. The parent from whom support is being sought may,  
467 within 10 days after the date of mailing or other service of the  
468 proposed administrative support order, contact a department  
469 representative, at the address or telephone number specified in  
470 the notice, to informally discuss the proposed administrative  
471 support order and, if informal discussions are requested timely,  
472 the time for requesting a hearing will be extended until 10 days  
473 after the department notifies the parent that the informal  
474 discussions have been concluded; and

475 6. If an administrative support order that establishes a

476 | parent's support obligation and incorporates either a parenting  
477 | time plan or Title IV-D Standard Parenting Time Plan agreed to  
478 | by both parents is rendered, whether after a hearing or without  
479 | a hearing, the department may enforce the administrative support  
480 | order by any lawful means. The department does not have the  
481 | jurisdiction or authority to enforce a parenting time plan.

482 | (d) If, after serving the proposed administrative support  
483 | order but before a final administrative support order is  
484 | rendered, the department receives additional information that  
485 | makes it necessary to amend the proposed administrative support  
486 | order, it shall prepare an amended proposed administrative  
487 | support order, with accompanying amended child support  
488 | worksheets and other material necessary to explain the changes,  
489 | and follow the same procedures set forth in paragraphs (b) and  
490 | (c).

491 | (7) ADMINISTRATIVE SUPPORT ORDER.—

492 | (a) If a hearing is held, the administrative law judge of  
493 | the Division of Administrative Hearings shall issue an  
494 | administrative support order that will include a parenting time  
495 | plan or Title IV-D Standard Parenting Time Plan agreed to by  
496 | both parents, or a final order denying an administrative support  
497 | order, which constitutes final agency action by the department.  
498 | The Division of Administrative Hearings shall transmit any such  
499 | order to the department for filing and rendering.

500 | (b) If the parent from whom support is being sought does

501 not file a timely request for a hearing, the parent will be  
502 deemed to have waived the right to request a hearing.

503 (c) If the parent from whom support is being sought waives  
504 the right to a hearing, or consents in writing to the entry of  
505 an order without a hearing, the department may render an  
506 administrative support order that will include a parenting time  
507 plan or Title IV-D Standard Parenting Time Plan agreed to by  
508 both parents.

509 (d) The department shall send by regular mail a copy of  
510 the administrative support order that will include a parenting  
511 time plan or Title IV-D Standard Parenting Time Plan agreed to  
512 by both parents, or the final order denying an administrative  
513 support order, to both parents, or a parent and caregiver if  
514 applicable. The parent from whom support is being sought shall  
515 be notified of the right to seek judicial review of the  
516 administrative support order in accordance with s. 120.68.

517 (e) An administrative support order must comply with ss.  
518 61.13(1) and 61.30. The department shall develop a standard form  
519 or forms for administrative support orders. An administrative  
520 support order must provide and state findings, if applicable,  
521 concerning:

522 1. The full name and date of birth of the child or  
523 children;

524 2. The name of the parent from whom support is being  
525 sought and the other parent or caregiver;

- 526 |           3. The parent's duty and ability to provide support;
- 527 |           4. The amount of the parent's monthly support obligation;
- 528 |           5. Any obligation to pay retroactive support;
- 529 |           6. The parent's obligation to provide for the health care
- 530 | needs of each child, whether through health insurance,
- 531 | contribution toward the cost of health insurance, payment or
- 532 | reimbursement of health care expenses for the child, or any
- 533 | combination thereof;
- 534 |           7. The beginning date of any required monthly payments and
- 535 | health insurance;
- 536 |           8. That all support payments ordered must be paid to the
- 537 | ~~Florida~~ State Disbursement Unit as provided by s. 61.1824;
- 538 |           9. That the parents, or caregiver if applicable, must file
- 539 | with the department when the administrative support order is
- 540 | rendered, if they have not already done so, and update as
- 541 | appropriate the information required pursuant to paragraph
- 542 | (13) (b);
- 543 |           10. That both parents, or parent and caregiver if
- 544 | applicable, are required to promptly notify the department of
- 545 | any change in their mailing addresses pursuant to paragraph
- 546 | (13) (c); and
- 547 |           11. That if the parent ordered to pay support receives
- 548 | reemployment assistance or unemployment compensation benefits,
- 549 | the payor shall withhold, and transmit to the department, 40
- 550 | percent of the benefits for payment of support, not to exceed

551 the amount owed.

552

553 An income deduction order as provided by s. 61.1301 must be  
554 incorporated into the administrative support order or, if not  
555 incorporated into the administrative support order, the  
556 department or the Division of Administrative Hearings shall  
557 render a separate income deduction order.

558 Section 5. Section 409.25633, Florida Statutes, is created  
559 to read:

560 409.25633 Title IV-D Standard Parenting Time Plans.-

561 (1) The Title IV-D Standard Parenting Time Plans are  
562 intended for use by parents and families with no domestic or  
563 family violence concerns. A Title IV-D Standard Parenting Time  
564 Plan must be included in any administrative action to establish  
565 child support taken by the Title IV-D program to determine  
566 paternity or to establish or modify support if the parents agree  
567 upon it. If the parents do not agree to a Title IV-D Standard  
568 Parenting Time Plan or if an agreed-upon parenting time plan is  
569 not included, the Department of Revenue must enter an  
570 administrative support order and refer the parents to the court  
571 of appropriate jurisdiction to establish a parenting time plan.  
572 The department must note on the referral that an administrative  
573 support order has been entered. If a parenting time plan is not  
574 included in the administrative support order entered under s.  
575 409.2563, the department must provide information to the parents

576 on the process to establish such plan.

577 (2) If the parents live within 100 miles of each other and  
578 the child is 3 years of age or older, the parent who owes  
579 support shall have parenting time with the child:

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

586 (b) One evening per week.—One weekday beginning at 6 p.m.  
587 and ending at 8 p.m. or if both parents agree, from when the  
588 child is released from school until 8 p.m.;

589 (c) Thanksgiving break.—In even-numbered years, the  
590 Thanksgiving break from 6 p.m. on the Wednesday before  
591 Thanksgiving, until 6 p.m. on the Sunday following Thanksgiving.  
592 If both parents agree, the Thanksgiving break parenting time may  
593 begin upon the child's release from school and end upon the  
594 child's return to school the following Monday;

595 (d) Winter break.—In odd-numbered years, the first half of  
596 winter break, from the day school is released, beginning at 6  
597 p.m. or, if both parents agree, upon the child's release from  
598 school, until noon on December 26. In even-numbered years, the  
599 second half of winter break from noon on December 26 until 6  
600 p.m. on the day before school resumes, or, if both parents



601 agree, upon the child's return to school;

602 (e) Spring break.—In even-numbered years, the week of  
603 spring break from 6 p.m. the day that school is released until 6  
604 p.m. the night before school resumes. If both parents agree, the  
605 spring break parenting time may begin upon the child's release  
606 from school and end upon the child's return to school the  
607 following Monday; and

608 (f) Summer break.—Two weeks in the summer beginning at 6  
609 p.m. the first Sunday following the last day of school.

610 (3) If the parents live more than 100 miles from each  
611 other and the child is 3 years of age or older, the parties may  
612 agree to follow the schedule set forth in subsection (2), or  
613 else the parent who owes child support has parenting time with  
614 the child:

615 (a) One weekend per month.—The second or fourth full  
616 weekend of the month throughout the year beginning Friday at 6  
617 p.m. through Sunday at 6 p.m. The parent who owes child support  
618 can choose the one weekend per month within 90 days after the  
619 parents begin to live more than 100 miles apart; and

620 (b) Summer break.—Forty-two days of parenting time during  
621 the summer months. The parent who is owed child support will  
622 have parenting time one weekend beginning on Friday at 6 p.m.  
623 through Sunday at 6 p.m. during any one extended period during  
624 the summer.

625 (4) If the child is under 3 years of age, the parents may

626 agree on a parenting time plan that includes more frequent  
627 visitation with shorter timeframes, gradually leading into  
628 overnight visits and either a parenting time plan agreed to by  
629 both parents or the Title IV-D Standard Parenting Time Plan set  
630 out in this section.

631 (5) In the event the parents have not agreed on a  
632 parenting schedule at the time of the child support hearing, the  
633 department shall enter an administrative support order and refer  
634 the parents to a court of appropriate jurisdiction for the  
635 establishment of a parenting plan.

636 (6) The Title IV-D Standard Parenting Time Plans are not  
637 intended for use by parents and families with domestic or family  
638 violence concerns.

639 (7) If, after the incorporation of an agreed-upon  
640 parenting time plan into an administrative support order, a  
641 parent becomes concerned about the safety of the child during  
642 the child's time with the other parent, a modification of the  
643 parenting time plan may be sought through a court of appropriate  
644 jurisdiction.

645 (8) The department shall create and provide a form for a  
646 petition to establish a parenting time plan for parents who have  
647 not agreed on a parenting schedule at the time of the child  
648 support hearing. The department shall provide the form to the  
649 parents but may not file the petition or represent either parent  
650 at the hearing.

651           (9) The department may adopt rules to implement and  
 652 administer this section.

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

655           409.2564 Actions for support.—

656           (1) In each case in which regular support payments are not  
 657 being made as provided herein, the department shall institute,  
 658 within 30 days after determination of the obligor's reasonable  
 659 ability to pay, action as is necessary to secure the obligor's  
 660 payment of current support and any arrearage that ~~which~~ may have  
 661 accrued under an existing order of support, and, if a parenting  
 662 time plan was not incorporated into the existing order of  
 663 support and is appropriate, include either an agreed-upon  
 664 parenting time plan or Title IV-D Standard Parenting Time Plan.

665 The department shall notify the program attorney in the judicial  
 666 circuit in which the recipient resides setting forth the facts  
 667 in the case, including the obligor's address, if known, and the  
 668 public assistance case number. Whenever applicable, the  
 669 procedures established under ~~the provisions of~~ chapter 88,  
 670 Uniform Interstate Family Support Act, chapter 61, Dissolution  
 671 of Marriage; Support; Time-sharing, chapter 39, Proceedings  
 672 Relating to Children, chapter 984, Children and Families in Need  
 673 of Services, and chapter 985, Delinquency; Interstate Compact on  
 674 Juveniles, may govern actions instituted under ~~the provisions of~~  
 675 this act, except that actions for support under chapter 39,

676 chapter 984, or chapter 985 brought pursuant to this act shall  
 677 not require any additional investigation or supervision by the  
 678 department.

679 (2) The order for support entered pursuant to an action  
 680 instituted by the department under ~~the provisions of~~ subsection  
 681 (1) shall require that the support payments be made periodically  
 682 to the department through the depository. An order for support  
 683 entered under the provisions of subsection (1) must include  
 684 either an agreed-upon parenting time plan or Title IV-D Standard  
 685 Parenting Time Plan, if appropriate. Upon receipt of a payment  
 686 made by the obligor pursuant to any order of the court, the  
 687 depository shall transmit the payment to the department within 2  
 688 working days, except those payments made by personal check which  
 689 shall be disbursed in accordance with s. 61.181. Upon request,  
 690 the depository shall furnish to the department a certified  
 691 statement of all payments made by the obligor. Such statement  
 692 shall be provided by the depository at no cost to the  
 693 department.

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

697 409.256 Administrative proceeding to establish paternity  
 698 or paternity and child support; order to appear for genetic  
 699 testing.—

700 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO

701 THE COURTS.—

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

704 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR  
705 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC  
706 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue  
707 shall commence a proceeding to determine paternity, or a  
708 proceeding to determine both paternity and child support, by  
709 serving the respondent with a notice as provided in this  
710 section. An order to appear for genetic testing may be served at  
711 the same time as a notice of the proceeding or may be served  
712 separately. A copy of the affidavit or written declaration upon  
713 which the proceeding is based shall be provided to the  
714 respondent when notice is served. A notice or order to appear  
715 for genetic testing shall be served by certified mail,  
716 restricted delivery, return receipt requested, or in accordance  
717 with the requirements for service of process in a civil action.  
718 Service by certified mail is completed when the certified mail  
719 is received or refused by the addressee or by an authorized  
720 agent as designated by the addressee in writing. If a person  
721 other than the addressee signs the return receipt, the  
722 department shall attempt to reach the addressee by telephone to  
723 confirm whether the notice was received, and the department  
724 shall document any telephonic communications. If someone other  
725 than the addressee signs the return receipt, the addressee does

726 | not respond to the notice, and the department is unable to  
727 | confirm that the addressee has received the notice, service is  
728 | not completed and the department shall attempt to have the  
729 | addressee served personally. For purposes of this section, an  
730 | employee or an authorized agent of the department may serve the  
731 | notice or order to appear for genetic testing and execute an  
732 | affidavit of service. The department may serve an order to  
733 | appear for genetic testing on a caregiver. The department shall  
734 | provide a copy of the notice or order to appear by regular mail  
735 | to the mother and caregiver, if they are not respondents.

736 |       (a) A notice of proceeding to establish paternity must  
737 | state:

738 |       1. That the department has commenced an administrative  
739 | proceeding to establish whether the putative father is the  
740 | biological father of the child named in the notice.

741 |       2. The name and date of birth of the child and the name of  
742 | the child's mother.

743 |       3. That the putative father has been named in an affidavit  
744 | or written declaration that states the putative father is or may  
745 | be the child's biological father.

746 |       4. That the respondent is required to submit to genetic  
747 | testing.

748 |       5. That genetic testing will establish either a high  
749 | degree of probability that the putative father is the biological  
750 | father of the child or that the putative father cannot be the

751 biological father of the child.

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

756         7. That if the results of the genetic test indicate a  
757 statistical probability of paternity that equals or exceeds 99  
758 percent, the department may:

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

761             b. Commence a proceeding, as provided in s. 409.2563, to  
762 establish an administrative support order for the child. Notice  
763 of the proceeding shall be provided to the respondent by regular  
764 mail.

765         8. That, if the genetic test results indicate a  
766 statistical probability of paternity that equals or exceeds 99  
767 percent and a proceeding to establish an administrative support  
768 order is commenced, the department shall issue a proposed order  
769 that addresses paternity and child support. The respondent may  
770 consent to or contest the proposed order at an administrative  
771 hearing.

772         9. That if a proposed order of paternity or proposed order  
773 of both paternity and child support is not contested, the  
774 department shall adopt the proposed order and render a final  
775 order that establishes paternity and, if appropriate, an

776 administrative support order for the child.

777 10. That, until the proceeding is ended, the respondent  
778 shall notify the department in writing of any change in the  
779 respondent's mailing address and that the respondent shall be  
780 deemed to have received any subsequent order, notice, or other  
781 paper mailed to the most recent address provided or, if a more  
782 recent address is not provided, to the address at which the  
783 respondent was served, and that this requirement continues if  
784 the department renders a final order that establishes paternity  
785 and a support order for the child.

786 11. That the respondent may file an action in circuit  
787 court for a determination of paternity, child support  
788 obligations, or both.

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

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

797

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



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

803 409.2572 Cooperation.—

804 (5) As used in this section only, the term "applicant for  
805 or recipient of public assistance for a dependent child" refers  
806 to such applicants and recipients of public assistance as  
807 defined in s. 409.2554(12) ~~s. 409.2554(8)~~, with the exception of  
808 applicants for or recipients of Medicaid solely for the benefit  
809 of a dependent child.

810 Section 9. Parenting time plan implementation timeline.—

811 (1) On or before October 1, 2018, the Department of  
812 Revenue shall submit a report that includes a timeline for  
813 implementation and all identifiable costs of administering the  
814 parenting time plans prescribed in this act to the Governor, the  
815 President of the Senate, and the Speaker of the House of  
816 Representatives.

817 (2) This section shall take effect July 1, 2017, and  
818 expires July 1, 2019.

819 Section 10. Except as otherwise expressly provided in this  
820 act and except for this section, which shall take effect upon  
821 this act becoming a law, this act shall take effect July 1,  
822 2019.