

1 A bill to be entitled
2 An act relating to child support obligations; amending
3 s. 61.13, F.S.; requiring payments in Title IV-D cases
4 to be made to the State Disbursement Unit; requiring
5 the depository to transmit certain data through, and
6 set up appropriate payment accounts on, the Clerk of
7 Court Child Support Collection System under certain
8 circumstances; amending s. 61.1354, F.S.; requiring
9 consumer reporting agencies to provide certain
10 reports, upon request, to the Department of Children
11 and Families for certain purposes; requiring the
12 Department of Children and Families to provide
13 certifications; amending s. 61.30, F.S.; prohibiting
14 incarceration from being considered voluntary
15 unemployment for purposes of imputing income to a
16 parent; providing exceptions; authorizing certain
17 social security benefits to count as gross income of a
18 parent; authorizing a credit in child support payments
19 if a parent pays certain benefits and files a motion
20 with the court; requiring notice and a hearing for
21 such credit in Title IV-D cases; amending s. 409.256,
22 F.S.; revising a definition; amending s. 409.2563,
23 F.S.; revising a definition; providing that the
24 Department of Revenue is not required to file
25 certified copies of certain support orders; amending

26 s. 409.25656, F.S.; authorizing the Department of
27 Revenue to deliver notices through electronic means
28 after receiving certain consent; amending s.
29 409.25658, F.S.; revising the process by which the
30 Department of Revenue may receive information and
31 submit unclaimed property claims for the purpose of
32 collecting past due child support; requiring certain
33 notice to be provided by regular, rather than
34 certified, mail; requiring the Department of Financial
35 Services to transfer an obligor's property in the
36 amount of the past due child support to the Department
37 of Revenue under certain circumstances; amending s.
38 409.2567, F.S.; authorizing the Department of Revenue
39 to e-mail confidential information after receiving
40 certain consent; prohibiting certain information from
41 being e-mailed; amending s. 409.2576, F.S.; providing
42 a definition; requiring specified reports for certain
43 individuals to be sent to the State Directory of New
44 Hires; specifying when a report must be submitted;
45 authorizing wage or other income withholding of
46 certain individuals; making conforming revisions;
47 providing an effective date.

48
49 Be It Enacted by the Legislature of the State of Florida:
50

51 Section 1. Paragraph (d) of subsection (1) of section
52 61.13, Florida Statutes, is amended to read:

53 61.13 Support of children; parenting and time-sharing;
54 powers of court.—

55 (1)

56 (d)1. All child support orders must ~~shall~~ provide the full
57 name and date of birth of each minor child who is the subject of
58 the child support order.

59 2. If both parties request and the court finds that it is
60 in the best interest of the child, support payments need not be
61 subject to immediate income deduction. Support orders that are
62 not subject to immediate income deduction may be directed
63 through the depository under s. 61.181 or made payable directly
64 to the obligee. Payments made by immediate income deduction must
65 ~~shall~~ be made to the State Disbursement Unit. The court shall
66 provide a copy of the order to the depository.

67 3. For support orders payable directly to the obligee, any
68 party, ~~or the department in a IV-D case,~~ may subsequently file
69 an affidavit with the depository alleging a default in payment
70 of child support and stating that the party wishes to require
71 that payments be made through the depository. The party shall
72 provide copies of the affidavit to the court and to each other
73 party. Fifteen days after receipt of the affidavit, the
74 depository shall notify all parties that future payments must
75 ~~shall~~ be paid through the depository, except that payments in

76 | Title IV-D cases and income deduction payments must ~~shall~~ be
 77 | made to the State Disbursement Unit. Upon notice by the
 78 | department that it is providing Title IV-D services in a case
 79 | with an existing support order, the depository shall transmit
 80 | case data through, and set up appropriate payment accounts,
 81 | regardless of whether there is a delinquency, on the Clerk of
 82 | the Court Child Support Collection System as required under s.
 83 | 61.181(2)(b).

84 | Section 2. Subsection (3) of section 61.1354, Florida
 85 | Statutes, is amended to read:

86 | 61.1354 Sharing of information between consumer reporting
 87 | agencies and the IV-D agency.—

88 | ~~(3) For purposes of determining an individual's income and~~
 89 | ~~establishing an individual's capacity to make support payments~~
 90 | ~~or for determining the appropriate amount of child support~~
 91 | ~~payment to be made by the individual,~~ Consumer reporting
 92 | agencies shall provide, upon request, consumer reports to the
 93 | department as authorized under head of the IV-D agency pursuant
 94 | ~~to~~ s. 604 of the Fair Credit Reporting Act, provided that the
 95 | department head of the IV-D agency, or its designee, certifies
 96 | all of the following that:

97 | (a) The consumer report is needed for the purpose of
 98 | ~~determining an individual's income and establishing an~~
 99 | ~~individual's capacity to make support payments,~~ ~~or~~ determining
 100 | the appropriate level of such payments, or enforcing a child

101 support order, award, agreement, or judgment. ~~amount of child~~
 102 ~~support payment to be made by the individual;~~

103 (b) The parentage ~~Paternity~~ of the child of the individual
 104 whose report is sought, ~~if that individual is the father of the~~
 105 ~~child,~~ has been established or acknowledged in accordance with
 106 state laws under which the obligation arises. ~~pursuant to the~~
 107 ~~laws of Florida;~~

108 (c) The individual whose report is sought was provided
 109 with at least 15 days' prior notice, by regular ~~certified or~~
 110 ~~registered~~ mail to the individual's last known address, that the
 111 report was requested. ~~;~~ and

112 (d) The consumer report will be kept confidential and used
 113 solely for the purpose described in paragraph (a) and will not
 114 be used in connection with any other civil, administrative, or
 115 criminal proceeding or for any other purpose.

116 Section 3. Subsections (2) and (10) of section 61.30,
 117 Florida Statutes, are amended, to read:

118 61.30 Child support guidelines; retroactive child
 119 support.—

120 (2) Income shall be determined on a monthly basis for each
 121 parent as follows:

122 (a) Gross income shall include, but is not limited to, all
 123 of the following:

- 124 1. Salary or wages.
- 125 2. Bonuses, commissions, allowances, overtime, tips, and

126 | other similar payments.

127 | 3. Business income from sources such as self-employment,
128 | partnership, close corporations, and independent contracts.

129 | "Business income" means gross receipts minus ordinary and
130 | necessary expenses required to produce income.

131 | 4. Disability benefits.

132 | 5. All workers' compensation benefits and settlements.

133 | 6. Reemployment assistance or unemployment compensation.

134 | 7. Pension, retirement, or annuity payments.

135 | 8. Social security benefits.

136 | 9. Spousal support received from a previous marriage or
137 | court ordered in the marriage before the court.

138 | 10. Interest and dividends.

139 | 11. Rental income, which is gross receipts minus ordinary
140 | and necessary expenses required to produce the income.

141 | 12. Income from royalties, trusts, or estates.

142 | 13. Reimbursed expenses or in kind payments to the extent
143 | that they reduce living expenses.

144 | 14. Gains derived from dealings in property, unless the
145 | gain is nonrecurring.

146 | (b) Monthly income shall be imputed to an unemployed or
147 | underemployed parent if such unemployment or underemployment is
148 | found by the court to be voluntary on that parent's part, absent
149 | a finding of fact by the court of physical or mental incapacity
150 | or other circumstances over which the parent has no control. In

151 the event of such voluntary unemployment or underemployment, the
152 employment potential and probable earnings level of the parent
153 shall be determined based upon his or her recent work history,
154 occupational qualifications, and prevailing earnings level in
155 the community if such information is available. If the
156 information concerning a parent's income is unavailable, a
157 parent fails to participate in a child support proceeding, or a
158 parent fails to supply adequate financial information in a child
159 support proceeding, income shall be automatically imputed to the
160 parent and there is a rebuttable presumption that the parent has
161 income equivalent to the median income of year-round full-time
162 workers as derived from current population reports or
163 replacement reports published by the United States Bureau of the
164 Census. For purposes of this paragraph, the incarceration of a
165 parent may not be treated as voluntary unemployment for the
166 purpose of imputing income to such parent in order to establish
167 or modify a support order, unless the parent is incarcerated for
168 willful nonpayment of child support or for an offense against
169 the child or the person who is owed child support. However, the
170 court may refuse to impute income to a parent if the court finds
171 it necessary for that parent to stay home with the child who is
172 the subject of a child support calculation or as set forth
173 below:

174 1. In order for the court to impute income at an amount
175 other than the median income of year-round full-time workers as

176 derived from current population reports or replacement reports
177 published by the United States Bureau of the Census, the court
178 must make specific findings of fact consistent with the
179 requirements of this paragraph. The party seeking to impute
180 income has the burden to present competent, substantial evidence
181 that:

182 a. The unemployment or underemployment is voluntary; and
183 b. Identifies the amount and source of the imputed income,
184 through evidence of income from available employment for which
185 the party is suitably qualified by education, experience,
186 current licensure, or geographic location, with due
187 consideration being given to the parties' time-sharing schedule
188 and their historical exercise of the time-sharing provided in
189 the parenting plan or relevant order.

190 2. Except as set forth in subparagraph 1., income may not
191 be imputed based upon:

192 a. Income records that are more than 5 years old at the
193 time of the hearing or trial at which imputation is sought; or
194 b. Income at a level that a party has never earned in the
195 past, unless recently degreed, licensed, certified, relicensed,
196 or recertified and thus qualified for, subject to geographic
197 location, with due consideration of the parties' existing time-
198 sharing schedule and their historical exercise of the time-
199 sharing provided in the parenting plan or relevant order.

200 (c) Social security benefits received by a child or a

201 child's caregiver, as defined in s. 39.01(10), due to the
202 retirement or disability of the child's parent may be included
203 in the parent's gross income.

204 (10) (a) Each parent's actual dollar share of the total
205 minimum child support need is ~~shall be~~ determined by multiplying
206 the minimum child support need by each parent's percentage share
207 of the combined monthly net income.

208 (b)1. A parent is entitled to credit for social security
209 benefits that are paid directly to the child or the child's
210 caregiver, as defined in s. 39.01(10), when the benefits are
211 paid because of the parent's retirement or disability. If the
212 social security benefits paid are equal to or greater than the
213 parent's monthly support obligation, the parent's monthly
214 support obligation is considered paid in full for each month
215 such benefits are paid. Any social security benefits paid in
216 excess of the monthly support obligation inure to the benefit of
217 the child and may not be used to pay past due or retroactive
218 support that accrued before the social security benefits
219 commenced. If the social security benefits paid are less than
220 the parent's monthly support obligation, the parent must pay the
221 amount of the difference to the child or the child's caregiver.

222 2. If a parent is entitled to credit under subparagraph
223 1., he or she may file a motion with the court or include the
224 request in a petition to modify the monthly support order. In a
225 Title IV-D case, the department may apply the credit after

226 proper notice is provided and a hearing is held under chapter
227 120. If the department determines in the hearing to apply the
228 credit, the department must notify the clerk of court so the
229 clerk can update the payment record.

230 Section 4. Paragraph (i) of subsection (1) of section
231 409.256, Florida Statutes, is amended to read:

232 409.256 Administrative proceeding to establish paternity
233 or paternity and child support; order to appear for genetic
234 testing.—

235 (1) DEFINITIONS.—As used in this section, the term:

236 (i) "Rendered" means that a signed written order is issued
237 ~~by filed with the clerk or a deputy clerk of the department of~~
238 ~~Revenue and served on the respondent. The date of filing must be~~
239 ~~indicated on the face of the order at the time of rendition.~~

240 Section 5. Paragraph (e) of subsection (1) and subsection
241 (8) of section 409.2563, Florida Statutes, are amended to read:

242 409.2563 Administrative establishment of child support
243 obligations.—

244 (1) DEFINITIONS.—As used in this section, the term:

245 (e) "Rendered" means that a signed written order is issued
246 ~~by filed with the clerk or any deputy clerk of the department~~
247 ~~and served on the respondent. The date of filing must be~~
248 ~~indicated on the face of the order at the time of rendition.~~

249
250 Other terms used in this section have the meanings ascribed in

251 ss. 61.046 and 409.2554.

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

259 (a) Act as the official recordkeeper for payments required
 260 under the administrative support order. ~~†~~

261 (b) Establish and maintain the necessary payment
 262 accounts. ~~†~~

263 (c) Upon a delinquency, initiate the judgment by operation
 264 of law procedure as provided by s. 61.14(6). ~~† and~~

265 (d) Perform all other duties required of a depository with
 266 respect to a support order entered by a court of this state.

267
 268 When a proceeding to establish an administrative support order
 269 is commenced under subsection (4), the department shall file a
 270 copy of the initial notice with the depository. The depository
 271 shall assign an account number and provide the account number to
 272 the department within 4 business days after the initial notice
 273 is filed.

274 Section 6. Subsection (4) of section 409.25656, Florida
 275 Statutes, is amended to read:

276 409.25656 Garnishment.—

277 (4) A notice that is delivered under this section is
 278 effective at the time of delivery against all credits, other
 279 personal property, or debts of the obligor which are not at the
 280 time of such notice subject to an attachment, garnishment, or
 281 execution issued through a judicial process. If a person
 282 requiring notice under this section provides his or her written
 283 consent, the department may deliver notice through secure
 284 electronic means.

285 Section 7. Section 409.25658, Florida Statutes, is amended
 286 to read:

287 409.25658 Use of unclaimed property for past due support.—

288 (1) In a joint effort to facilitate the collection and
 289 payment of past due support, the department ~~of Revenue~~, in
 290 cooperation with the Department of Financial Services, shall
 291 identify persons owing support collected by the department
 292 ~~through a court~~ who are presumed to have unclaimed property held
 293 by the Department of Financial Services.

294 (2) The Department of Financial Services ~~department~~ shall
 295 periodically provide the department ~~of Financial Services~~ with
 296 an electronic file of unclaimed property accounts. The
 297 department shall use the data to identify support obligors with
 298 unclaimed property accounts and provide the Department of
 299 Financial Services with an electronic file that includes the
 300 names and other personal identifying information of the support

301 ~~obligors support obligors who owe past due support. The~~
302 ~~Department of Financial Services shall conduct a data match of~~
303 ~~the file against all apparent owners of unclaimed property under~~
304 ~~chapter 717 and provide the resulting match list to the~~
305 ~~department.~~

306 (3) The department is authorized, as the state's Title IV-
307 D agency under s. 409.2557(1), to submit claims for unclaimed
308 property to the Department of Financial Services, in accordance
309 with the standards established by the Department of Financial
310 Services, for the purpose of collecting past due support ~~Upon~~
311 ~~receipt of the data match list, the department shall provide to~~
312 ~~the Department of Financial Services the obligor's last known~~
313 ~~address. The Department of Financial Services shall follow the~~
314 ~~notification procedures under s. 717.118.~~

315 (4) Before ~~Prior to~~ paying an obligor's approved claim,
316 the Department of Financial Services must ~~shall~~ notify the
317 department that such claim has been approved. Upon confirmation
318 that the Department of Financial Services has approved the claim
319 submitted by the department, the department shall ~~immediately~~
320 send a notice by regular ~~certified~~ mail to the obligor, ~~with a~~
321 ~~copy to the Department of Financial Services,~~ advising the
322 obligor of the department's intent to intercept the property
323 ~~approved claim~~ up to the amount of the past due support, and
324 informing the obligor of the obligor's right to request a
325 hearing under chapter 120. If a hearing is requested, the

326 Department of Financial Services shall retain custody of the
 327 property until a final order has been entered and any appeals
 328 thereon have been concluded. If the obligor fails to request a
 329 hearing, the department shall inform ~~enter a final order~~
 330 ~~instructing~~ the Department of Financial Services to transfer to
 331 the department the property up to ~~in~~ the amount of the past due
 332 support ~~stated in the final order~~. Upon such transfer, the
 333 Department of Financial Services is ~~shall be~~ released from
 334 further liability related to the transferred property.

335 (5) ~~The provisions of~~ This section provides ~~provide~~ a
 336 supplemental remedy, and the department may use this remedy in
 337 conjunction with any other method of collecting support.

338 Section 8. Subsection (1) of section 409.2567, Florida
 339 Statutes, is amended to read:

340 409.2567 Services to individuals not otherwise eligible.-

341 (1) (a) All support services provided by the department
 342 must ~~shall~~ be made available on behalf of all dependent
 343 children. Services must ~~shall~~ be provided upon acceptance of
 344 public assistance or upon proper application filed with the
 345 department. The federally required application fee for
 346 individuals who do not receive public assistance is \$1, which is
 347 ~~shall be~~ waived for all applicants and paid by the department.
 348 The annual fee required under 42 U.S.C. s. 654(6)(B), as amended
 349 by Pub. L. No. 115-123, for cases involving an individual who
 350 has never received temporary cash assistance and for whom the

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351 department has collected the federally required minimum amount
352 of support must ~~shall~~ be paid by the department.

353 (b) The department may include confidential and exempt
354 information in communications via e-mail with a parent,
355 caregiver, or other person authorized to receive such
356 information upon receiving written consent from the parent,
357 caregiver, or other person. However, social security numbers,
358 federal tax information, driver license numbers, and bank
359 account numbers may not be included in communications via e-mail
360 even if such consent is received.

361 Section 9. Section 409.2576, Florida Statutes, is amended
362 to read:

363 409.2576 State Directory of New Hires.—

364 (1) DIRECTORY CREATED.—The State Directory of New Hires is
365 ~~hereby~~ created and shall be administered by the Department of
366 Revenue or its agent. All employers and service recipients in
367 the state must ~~shall~~ furnish a report consistent with subsection
368 (3) for each newly hired or rehired employee or each individual
369 who performs a service for a service recipient unless the
370 employee or individual is employed by a federal or state agency
371 performing intelligence or counterintelligence functions and the
372 head of such agency has determined that reporting under ~~pursuant~~
373 ~~to~~ this section could endanger the safety of the employee or
374 individual or compromise an ongoing investigation or
375 intelligence mission.

376 (2) DEFINITIONS.—For purposes of this section, the term:
 377 (a) ~~(d)~~ "Date of hire" is the first day of work for which
 378 an ~~the~~ employee or individual is owed income.
 379 (b) ~~(a)~~ "Employee" has the same meaning given such term in
 380 s. 3401(d) ~~is defined as an individual who is an employee within~~
 381 the meaning of chapter 24 of the Internal Revenue Code of 1986.
 382 (c) ~~(b)~~ "Employer" has the meaning given such term in s.
 383 3401(d) of the Internal Revenue Code of 1986 and includes any
 384 government entity and labor organization.
 385 (d) ~~(e)~~ "Labor organization" has the meaning given such
 386 term in s. 2(5) of the National Labor Relations Act and includes
 387 any entity which is used by the organization and an employer to
 388 carry out requirements described in s. 8(f)(3) of such act of an
 389 agreement between the organization and employer.
 390 (e) "Service recipient" means a person engaged in a trade
 391 or business and for whom a service is performed by an individual
 392 in a capacity other than that of an employee.
 393 (3) EMPLOYERS AND SERVICE RECIPIENTS TO FURNISH REPORTS.—
 394 ~~(a) Each employer subject to the reporting requirements of~~
 395 ~~chapter 443 with 250 or more employees, shall provide to the~~
 396 ~~State Directory of New Hires, a report listing the employer's~~
 397 ~~legal name, address, and reemployment assistance identification~~
 398 ~~number. The report must also provide the name and social~~
 399 ~~security number of each new employee or rehired employee at the~~
 400 ~~end of the first pay period following employment or~~

401 ~~reemployment.~~

402 (a) ~~(b)~~ All employers must ~~shall~~ furnish a report to the
403 State Directory of New Hires of the state in which a ~~the~~ newly
404 hired or rehired employee works. The report required in this
405 section must ~~shall~~ be made on a W-4 form or, at the option of
406 the employer, an equivalent form, and can be transmitted
407 magnetically, electronically, by first-class mail, or other
408 methods which may be prescribed by the State Directory. Each
409 report must ~~shall~~ include the name, address, date of hire, and
410 social security number of every new and rehired employee and the
411 name, address, and federal employer identification number of the
412 reporting employer. If available, the employer may also include
413 the employee's date of birth in the report. Multistate employers
414 that report new hire information electronically or magnetically
415 may designate a single state to which it will transmit the above
416 noted report, provided the employer has employees in that state
417 and the employer notifies the Secretary of Health and Human
418 Services in writing to which state the information will be
419 provided. Agencies of the United States Government shall report
420 directly to the National Directory of New Hires.

421 (b) All service recipients must furnish a report to the
422 State Directory of New Hires of the state in which an individual
423 performs a service for a service recipient as defined in
424 paragraph (2) (e) if the service recipient pays the individual
425 more than \$600 during any 1 calendar year. The report must

426 include the name, address, and social security number, or other
427 identifying number assigned to an individual under 26 U.S.C. s.
428 6109, of the individual, the date on which a service for payment
429 was first performed, and the name, address, and employer
430 identification number of the service recipient.

431 (c) Pursuant to the federal Personal Responsibility and
432 Work Opportunity Reconciliation Act of 1996, each party is
433 required to provide his or her social security number in
434 accordance with this section. Disclosure of social security
435 numbers obtained through this requirement is ~~shall be~~ limited to
436 the purpose of administration of the Title IV-D program for
437 child support enforcement and those programs listed in
438 subsection (9).

439 (4) TIME FOR REPORTS.—

440 (a) Employers must report new hire information, as
441 described in subsection (3), within 20 days after ~~of~~ the hire
442 date of the employee, or, in the case of employers that report
443 new hire information electronically or by magnetic tape, by two
444 monthly transmissions, if necessary, at least ~~not less than~~ 12
445 days but not ~~nor~~ more than 16 days apart.

446 (b) Service recipients must report information, as
447 described in subsection (3), regarding individuals who perform
448 services for a service recipient within 20 days after first
449 making payments that require an information return in accordance
450 with 26 U.S.C. s. 6041A(a) or entering into a contract that

451 provides for such payments, whichever occurs first. In the case
 452 of service recipients that submit reports electronically or by
 453 magnetic tape, by two monthly transmissions, if necessary, at
 454 least 12 days but not more than 16 days apart.

455 (5) ENTRY OF DATA.—The State Directory of New Hires must
 456 ~~shall~~ enter ~~new hire~~ information into an automated database
 457 within 5 business days after ~~of~~ receipt of the information.

458 (6) MATCHES TO STATE REGISTRY.—~~Not later than May 1, 1998,~~
 459 The Department of Revenue or its agent must conduct automated
 460 matches of the social security numbers of employees and
 461 individuals reported to the State Directory of New Hires against
 462 the social security numbers of records in the State Case
 463 Registry. The Title IV-D agency shall use the new hire
 464 information received to locate individuals for the purposes of
 465 establishing paternity and establishing, modifying, and
 466 enforcing support obligations. Private entities under contract
 467 with the Title IV-D agency to provide Title IV-D services may
 468 have access to information obtained from the State Directory of
 469 New Hires and must comply with privacy safeguards.

470 (7) WAGE WITHHOLDING NOTICE AND NATIONAL MEDICAL SUPPORT
 471 NOTICE.—The department shall transmit a wage withholding notice
 472 consistent with s. 61.1301 and, when appropriate, a national
 473 medical support notice, as defined in s. 61.046, to the
 474 employee's employer or the individual's service recipient within
 475 2 business days after entry of the ~~new hire~~ information into the

476 State Directory of New Hires' database, unless the court has
477 determined that the employee's or the individual's wages or
478 other income is ~~are~~ not subject to withholding or, for purposes
479 of the national medical support notice, the support order does
480 not contain a provision for the employee or individual to
481 provide health insurance. The withholding notice must ~~shall~~
482 direct the employer or service recipient to withhold income in
483 accordance with the income deduction order, and the national
484 medical support notice shall direct the employer or service
485 recipient to withhold premiums for health insurance.

486 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State
487 Directory of New Hires must furnish information regarding newly
488 hired or rehired employees and other individuals subject to
489 reporting to the National Directory of New Hires for matching
490 with the records of other state case registries within 3
491 business days after ~~of~~ entering such information from the
492 employer or service recipient into the State Directory of New
493 Hires. The State Directory of New Hires must ~~shall~~ enter into an
494 agreement with the Department of Economic Opportunity or its tax
495 collection service provider for the quarterly reporting to the
496 National Directory of New Hires information on wages or other
497 income and reemployment assistance taken from the quarterly
498 report to the Secretary of Labor, now required by Title III of
499 the Social Security Act. However, except that no a report may
500 not ~~shall~~ be filed with respect to an employee or other

501 | individual of a state or local agency performing intelligence or
 502 | counterintelligence functions, if the head of such agency has
 503 | determined that filing such a report could endanger the safety
 504 | of the employee or other individual or compromise an ongoing
 505 | investigation or intelligence mission.

506 | (9) DISCLOSURE OF INFORMATION.—

507 | (a) ~~New hire~~ Information reported under this section must
 508 | ~~shall~~ be disclosed to the state agency administering the
 509 | following programs for the purposes of determining eligibility
 510 | under those programs:

511 | 1. Any state program funded under part A of Title IV of
 512 | the Social Security Act.~~†~~

513 | 2. The Medicaid program under Title XIX of the Social
 514 | Security Act.~~†~~

515 | 3. The reemployment assistance or unemployment
 516 | compensation program under s. 3304 of the Internal Revenue Code
 517 | of 1954.~~†~~

518 | 4. The food assistance program under the Food and
 519 | Nutrition Act of 2008.~~† and~~

520 | 5. Any state program under a plan approved under Title I
 521 | (Old-Age Assistance for the Aged), Title X (Aid to the Blind),
 522 | Title XIV (Aid to the Permanently and Totally Disabled), or
 523 | Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental
 524 | Security Income for the Aged, Blind, and Disabled) of the Social
 525 | Security Act.

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526 (b) ~~New-hire~~ Information reported under this section must
527 ~~shall~~ be disclosed to the state agencies operating employment
528 security and workers' compensation programs for the purposes of
529 administering such programs.

530 Section 10. This act shall take effect October 1, 2021.