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

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30 support order; amending ss. 409.256 and 409.2572,
31 F.S.; conforming cross-references; requiring the
32 department to submit a report to the Governor and
33 Legislature by a specified date; specifying
34 requirements for the report; providing an
35 appropriation; providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. Section 409.2551, Florida Statutes, is amended
40 to read:

41 409.2551 Legislative intent.—Common-law and statutory
42 procedures governing the remedies for enforcement of support for
43 financially dependent children by persons responsible for their
44 support have not proven sufficiently effective or efficient to
45 cope with the increasing incidence of financial dependency. The
46 increasing workload of courts, prosecuting attorneys, and the
47 Attorney General has resulted in a growing burden on the
48 financial resources of the state, which is constrained to
49 provide public assistance for basic maintenance requirements
50 when parents fail to meet their primary obligations. The state,
51 therefore, exercising its police and sovereign powers, declares
52 that the common-law and statutory remedies pertaining to family
53 desertion and nonsupport of dependent children shall be
54 augmented by additional remedies directed to the resources of
55 the responsible parents. In order to render resources more
56 immediately available to meet the needs of dependent children,
57 it is the legislative intent that the remedies provided herein
58 are in addition to, and not in lieu of, existing remedies. It is

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59 declared to be the public policy of this state that this act be
60 construed and administered to the end that children shall be
61 maintained from the resources of their parents, thereby
62 relieving, at least in part, the burden presently borne by the
63 general citizenry through public assistance programs. It is also
64 the public policy of this state to encourage frequent contact
65 between a child and each parent to optimize the development of a
66 close and continuing relationship between each parent and the
67 child.

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

70 409.2554 Definitions; ss. 409.2551-409.2598.—As used in ss.
71 409.2551-409.2598, the term:

72 (5)~~(1)~~ "Department" means the Department of Revenue.

73 (6)~~(2)~~ "Dependent child" means any unemancipated person
74 under the age of 18, any person under the age of 21 and still in
75 school, or any person who is mentally or physically
76 incapacitated when such incapacity began before ~~prior to~~ such
77 person reaching the age of 18. This definition may ~~shall~~ not be
78 construed to impose an obligation for child support beyond the
79 child's attainment of majority except as imposed in 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

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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 attorney,
107 county attorney, city attorney, state attorney, program
108 attorney, or an attorney employed by an entity of a local
109 political subdivision who engages in legal action related to the
110 determination of paternity or the establishment, modification,
111 or enforcement of support brought pursuant to this act.

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

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117 Secretary of Health and Human Services.

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

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

134 (15)~~(11)~~ "Support," unless otherwise specified, means:

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

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

141 (1)~~(12)~~ "Administrative costs" means any costs, including
142 attorney ~~attorney's~~ fees, clerk's filing fees, recording fees
143 and other expenses incurred by the clerk of the circuit court,
144 service of process fees, or mediation costs, incurred by the
145 Title IV-D agency in its effort to administer the Title IV-D

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146 program. The administrative costs that ~~which~~ must be collected
147 by the department shall be assessed on a case-by-case basis
148 based upon a method for determining costs approved by the
149 Federal Government. The administrative costs shall be assessed
150 periodically by the department. The methodology for determining
151 administrative costs shall be made available to the judge or any
152 party who requests it. Only those amounts ordered independent of
153 current support, arrears, or past public assistance obligation
154 shall be considered and applied toward administrative costs.

155 (2) ~~(13)~~ "Child support services" includes any civil,
156 criminal, or administrative action taken by the Title IV-D
157 program to determine paternity, establish, modify, enforce, or
158 collect support.

159 (17) ~~(14)~~ "Undistributable collection" means a support
160 payment received by the department which the department
161 determines cannot be distributed to the final intended
162 recipient.

163 (18) ~~(15)~~ "Unidentifiable collection" means a payment
164 received by the department for which a parent, depository or
165 circuit civil numbers, or source of the payment cannot be
166 identified.

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

169 409.2557 State agency for administering child support
170 enforcement program.—

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

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

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

183 409.2563 Administrative establishment of child support
184 obligations.—

185 (2) PURPOSE AND SCOPE.—

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

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

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

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

210 (e)~~(b)~~ The administrative procedure set forth in this
211 section concerns only the establishment of child support
212 obligations and, if agreed to and signed by both parents, a
213 parenting time plan or Title IV-D Standard Parenting Time Plan.
214 This section does not grant jurisdiction to the department or
215 the Division of Administrative Hearings to hear or determine
216 issues of dissolution of marriage, separation, alimony or
217 spousal support, termination of parental rights, dependency,
218 disputed paternity, except for a determination of paternity as
219 provided in s. 409.256, ~~or award of~~ or change of time-sharing.
220 If both parents have agreed to and signed a parenting time plan
221 before the establishment of the administrative support order,
222 the department or the Division of Administrative Hearings shall
223 incorporate the agreed-upon parenting time plan into the
224 administrative support order. This paragraph notwithstanding,
225 the department and the Division of Administrative Hearings may
226 make findings of fact that are necessary for a proper
227 determination of a parent's support obligation as authorized by
228 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

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233 obligation pursuant to this section, s. 61.30, and other
234 relevant provisions of state law. The administrative support
235 order must include a parenting time plan or Title IV-D Standard
236 Parenting Time Plan as agreed to and signed by both parents. The
237 parent's 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 shall incorporate a parenting time plan

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262 or Title IV-D Standard Parenting Time Plan as agreed to and
263 signed by both parents into the administrative support order.
264 Either parent may at any time file a civil action in a circuit
265 having jurisdiction and proper venue for a determination of
266 child custody and rights 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 Plan, 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 children;

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

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

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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 sought
323 does not file a timely request for hearing after service of the
324 proposed administrative support order, the department will issue
325 an administrative support order that incorporates the findings
326 of the proposed administrative support order, and any agreed-
327 upon parenting time plan. The department will send by regular
328 mail a copy of the administrative support order and any
329 incorporated parenting time plan to both parents, or parent and
330 caregiver if applicable;

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;

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;

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;

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

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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 and signed by both parents, a
352 parenting time plan or Title IV-D Standard Parenting Time Plan
353 when the administrative support order is established.

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

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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; ~~and~~

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

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

394
395 The department may serve the notice of proceeding to establish
396 an administrative support order and agreed-upon parenting time
397 plan or Title IV-D Standard Parenting Time Plan by certified
398 mail, restricted delivery, return receipt requested.

399 Alternatively, the department may serve the notice by any means
400 permitted for service of process in a civil action. For purposes
401 of this section, an authorized employee of the department may
402 serve the notice and execute an affidavit of service. Service by
403 certified mail is completed when the certified mail is received
404 or refused by the addressee or by an authorized agent as
405 designated by the addressee in writing. If a person other than
406 the addressee signs the return receipt, the department shall

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407 attempt to reach the addressee by telephone to confirm whether
408 the notice was received, and the department shall document any
409 telephonic communications. If someone other than the addressee
410 signs the return receipt, the addressee does not respond to the
411 notice, and the department is unable to confirm that the
412 addressee has received the notice, service is not completed and
413 the department shall attempt to have the addressee served
414 personally. The department shall provide the parent from whom
415 support is not being sought or the caregiver with a copy of the
416 notice by regular mail to the last known address of the parent
417 from whom support is not being sought or caregiver.

418 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

419 (a) After serving notice upon a parent in accordance with
420 subsection (4), the department shall calculate that parent's
421 child support obligation under the child support guidelines
422 schedule as provided by s. 61.30, based on any timely financial
423 affidavits received and other information available to the
424 department. If either parent fails to comply with the
425 requirement to furnish a financial affidavit, the department may
426 proceed on the basis of information available from any source,
427 if such information is sufficiently reliable and detailed to
428 allow calculation of guideline schedule amounts under s. 61.30.
429 If a parent receives public assistance and fails to submit a
430 financial affidavit, the department may submit a financial
431 affidavit or written declaration for that parent pursuant to s.
432 61.30(15). If there is a lack of sufficient reliable information
433 concerning a parent's actual earnings for a current or past
434 period, it shall be presumed for the purpose of establishing a
435 support obligation that the parent had an earning capacity equal

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436 to the federal minimum wage during the applicable period.

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

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

448 1. The parent from whom support is being sought may, within
449 20 days after the date of mailing or other service of the
450 proposed administrative support order, request a hearing by
451 filing a written request for hearing in a form and manner
452 specified by the department;

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

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

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

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

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

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494 administrative support order that will include a parenting time
495 plan or Title IV-D Standard Parenting Time Plan agreed to and
496 signed by both parents, or a final order denying an
497 administrative support order, which constitutes final agency
498 action by the department. The Division of Administrative
499 Hearings shall transmit any such order to the department for
500 filing and rendering.

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

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

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

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

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

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552 the amount owed.

553

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

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

561 409.25633 Title IV-D Standard Parenting Time Plans.—The
562 best interest of the child is the primary consideration of the
563 parenting plan and special consideration should be given to the
564 age and needs of each child. There is no presumption for or
565 against the father or mother of the child or for or against any
566 specific time-sharing schedule when a parenting time plan is
567 created.

568 (1) A Title IV-D Standard Parenting Time Plan shall be
569 presented to the parents in any administrative action taken by
570 the Title IV-D program to establish or modify child support or
571 to determine paternity. If the parents agree to the Title IV-D
572 Standard Parenting Time Plan or to another parenting time plan,
573 the plan must be signed by the parents and incorporated into the
574 administrative order. If the parents do not agree to a Title IV-
575 D Standard Parenting Time Plan or if an agreed-upon parenting
576 time plan is not included, the Department of Revenue must enter
577 an administrative support order and refer the parents to the
578 court of appropriate jurisdiction to establish a parenting time
579 plan. The department must note on the referral that an
580 administrative support order has been entered. If a parenting

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581 time plan is not included in the administrative support order
582 entered pursuant to s. 409.2563, the department must provide
583 information to the parents on the process to establish such a
584 plan.

585 (2) After the incorporation of an agreed-upon parenting
586 time plan into an administrative order, a modification or
587 enforcement of the parenting time plan may be sought through a
588 court of appropriate jurisdiction.

589 (3) The parent who owes support is entitled to parenting
590 time with the child. If the parents do not have a signed,
591 agreed-upon parenting time plan, the following Title IV-D
592 Standard Parenting Time Plan must be incorporated into an
593 administrative support order if agreed to and signed by the
594 parents:

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

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

604 (c) Thanksgiving break.—In even-numbered years, the
605 Thanksgiving break from 6 p.m. on the Wednesday before
606 Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.
607 If both parents agree, the Thanksgiving break parenting time may
608 begin upon the child's release from school and end upon the
609 child's return to school the following Monday;

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610 (d) Winter break.—In odd-numbered years, the first half of
611 winter break, from the child’s release from school, beginning at
612 6 p.m. or, if both parents agree, upon the child’s release from
613 school, until noon on December 26. In even-numbered years, the
614 second half of winter break from noon on December 26 until 6
615 p.m. on the day before school resumes or, if both parents agree,
616 upon the child’s return to school;

617 (e) Spring break.—In even-numbered years, the week of
618 spring break from 6 p.m. the day the child is released from
619 school until 6 p.m. the night before school resumes. If both
620 parents agree, the spring break parenting time may begin upon
621 the child’s release from school and end upon the child’s return
622 to school the following Monday; and

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

625 (4) In the event the parents have not agreed on a parenting
626 schedule at the time of the child support hearing, the
627 department shall enter an administrative support order and refer
628 the parents to a court of appropriate jurisdiction for the
629 establishment of a parenting time plan.

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

633 (6) If, after the incorporation of an agreed-upon parenting
634 time plan into an administrative support order, a parent becomes
635 concerned about the safety of the child during the child’s time
636 with the other parent, a modification of the parenting time plan
637 may be sought through a court of appropriate jurisdiction.

638 (7) The department shall create and provide a form for a

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639 petition to establish a parenting time plan for parents who have
640 not agreed on a parenting schedule at the time of the child
641 support hearing. The department shall provide the form to the
642 parents, but may not file the petition or represent either
643 parent at the hearing.

644 (8) The parents may not be required to pay a fee to file
645 the petition to establish a parenting plan.

646 (9) The department may adopt rules to implement and
647 administer this section.

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

650 409.2564 Actions for support.—

651 (1) In each case in which regular support payments are not
652 being made as provided herein, the department shall institute,
653 within 30 days after determination of the obligor's reasonable
654 ability to pay, action as is necessary to secure the obligor's
655 payment of current support, ~~and~~ any arrearage that ~~which~~ may
656 have accrued under an existing order of support, and, if a
657 parenting time plan was not incorporated into the existing order
658 of support, include either a signed, agreed-upon parenting time
659 plan or a signed Title IV-D Standard Parenting Time Plan, if
660 appropriate. The department shall notify the program attorney in
661 the judicial circuit in which the recipient resides setting
662 forth the facts in the case, including the obligor's address, if
663 known, and the public assistance case number. Whenever
664 applicable, the procedures established under ~~the provisions of~~
665 chapter 88, Uniform Interstate Family Support Act, chapter 61,
666 Dissolution of Marriage; Support; Time-sharing, chapter 39,
667 Proceedings Relating to Children, chapter 984, Children and

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668 Families in Need of Services, and chapter 985, Delinquency;
669 Interstate Compact on Juveniles, may govern actions instituted
670 under ~~the provisions of~~ this act, except that actions for
671 support under chapter 39, chapter 984, or chapter 985 brought
672 pursuant to this act shall not require any additional
673 investigation or supervision by the department.

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

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

692 409.256 Administrative proceeding to establish paternity or
693 paternity and child support; order to appear for genetic
694 testing.—

695 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO
696 THE COURTS.—

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

699 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
700 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
701 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue
702 shall commence a proceeding to determine paternity, or a
703 proceeding to determine both paternity and child support, by
704 serving the respondent with a notice as provided in this
705 section. An order to appear for genetic testing may be served at
706 the same time as a notice of the proceeding or may be served
707 separately. A copy of the affidavit or written declaration upon
708 which the proceeding is based shall be provided to the
709 respondent when notice is served. A notice or order to appear
710 for genetic testing shall be served by certified mail,
711 restricted delivery, return receipt requested, or in accordance
712 with the requirements for service of process in a civil action.
713 Service by certified mail is completed when the certified mail
714 is received or refused by the addressee or by an authorized
715 agent as designated by the addressee in writing. If a person
716 other than the addressee signs the return receipt, the
717 department shall attempt to reach the addressee by telephone to
718 confirm whether the notice was received, and the department
719 shall document any telephonic communications. If someone other
720 than the addressee signs the return receipt, the addressee does
721 not respond to the notice, and the department is unable to
722 confirm that the addressee has received the notice, service is
723 not completed and the department shall attempt to have the
724 addressee served personally. For purposes of this section, an
725 employee or an authorized agent of the department may serve the

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726 notice or order to appear for genetic testing and execute an
727 affidavit of service. The department may serve an order to
728 appear for genetic testing on a caregiver. The department shall
729 provide a copy of the notice or order to appear by regular mail
730 to the mother and caregiver, if they are not respondents.

731 (a) A notice of proceeding to establish paternity must
732 state:

733 1. That the department has commenced an administrative
734 proceeding to establish whether the putative father is the
735 biological father of the child named in the notice.

736 2. The name and date of birth of the child and the name of
737 the child's mother.

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

741 4. That the respondent is required to submit to genetic
742 testing.

743 5. That genetic testing will establish either a high degree
744 of probability that the putative father is the biological father
745 of the child or that the putative father cannot be the
746 biological father of the child.

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

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

754 a. Issue a proposed order of paternity that the respondent

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755 may consent to or contest at an administrative hearing; or

756 b. Commence a proceeding, as provided in s. 409.2563, to
757 establish an administrative support order for the child. Notice
758 of the proceeding shall be provided to the respondent by regular
759 mail.

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

767 9. That if a proposed order of paternity or proposed order
768 of both paternity and child support is not contested, the
769 department shall adopt the proposed order and render a final
770 order that establishes paternity and, if appropriate, an
771 administrative support order for the child.

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

781 11. That the respondent may file an action in circuit court
782 for a determination of paternity, child support obligations, or
783 both.

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

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

792

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

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

798 409.2572 Cooperation.—

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

805 Section 9. The Department of Revenue shall report to the
806 Governor, the President of the Senate, and the Speaker of the
807 House of Representatives by December 31, 2018, on the status of
808 the implementation of this act, including the number of
809 parenting plans entered with administrative support orders and
810 the number of parents referred to the circuit court to determine
811 a parenting plan. The report must include recommendations to
812 facilitate further implementation of this act.

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813 Section 10. For the 2017-2018 fiscal year, the sums of
814 \$350,476 in recurring funds and \$690,650 in nonrecurring funds
815 are appropriated from the General Revenue Fund to the Department
816 of Revenue for the purpose of implementing this act.

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