

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; requiring the department to create and provide  
19 a form for a petition to establish a parenting time  
20 plan under certain circumstances; specifying that the  
21 parents are not required to pay a fee to file the  
22 petition; authorizing the department to adopt rules;  
23 amending s. 409.2564, F.S.; authorizing the department  
24 to incorporate either an agreed-upon parenting time  
25 plan or a Title IV-D Standard Parenting Time Plan in a

26 child support order; amending ss. 409.256 and  
27 409.2572, F.S.; conforming cross-references; providing  
28 appropriations; providing an effective date.

29  
30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Section 409.2551, Florida Statutes, is amended  
33 to read:

34 409.2551 Legislative intent.—Common-law and statutory  
35 procedures governing the remedies for enforcement of support for  
36 financially dependent children by persons responsible for their  
37 support have not proven sufficiently effective or efficient to  
38 cope with the increasing incidence of financial dependency. The  
39 increasing workload of courts, prosecuting attorneys, and the  
40 Attorney General has resulted in a growing burden on the  
41 financial resources of the state, which is constrained to  
42 provide public assistance for basic maintenance requirements  
43 when parents fail to meet their primary obligations. The state,  
44 therefore, exercising its police and sovereign powers, declares  
45 that the common-law and statutory remedies pertaining to family  
46 desertion and nonsupport of dependent children shall be  
47 augmented by additional remedies directed to the resources of  
48 the responsible parents. In order to render resources more  
49 immediately available to meet the needs of dependent children,  
50 it is the legislative intent that the remedies provided herein

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

63 Section 2. Section 409.2554, Florida Statutes, is  
 64 reordered and amended to read:

65 409.2554 Definitions; ss. 409.2551-409.2598.—As used in  
 66 ss. 409.2551-409.2598, the term:

67 (5)~~(1)~~ "Department" means the Department of Revenue.

68 (6)~~(2)~~ "Dependent child" means any unemancipated person  
 69 under the age of 18, any person under the age of 21 and still in  
 70 school, or any person who is mentally or physically  
 71 incapacitated when such incapacity began before ~~prior to~~ such  
 72 person reached ~~reaching~~ the age of 18. This definition may ~~shall~~  
 73 not be construed to impose an obligation for child support  
 74 beyond the child's attainment of majority except as imposed in  
 75 s. 409.2561.

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

77           (4) "Court order" means any judgment or order of any court  
78 of appropriate jurisdiction of the state, or an order of a court  
79 of competent jurisdiction of another state, ordering payment of  
80 a set or determinable amount of support money.

81           (7)~~(5)~~ "Health insurance" means coverage under a fee-for-  
82 service arrangement, health maintenance organization, or  
83 preferred provider organization, and other types of coverage  
84 available to either parent, under which medical services could  
85 be provided to a dependent child.

86           (8)~~(6)~~ "Obligee" means the person to whom support payments  
87 are made pursuant to an alimony or child support order.

88           (9)~~(7)~~ "Obligor" means a person who is responsible for  
89 making support payments pursuant to an alimony or child support  
90 order.

91           (12)~~(8)~~ "Public assistance" means money assistance paid on  
92 the basis of Title IV-E and Title XIX of the Social Security  
93 Act, temporary cash assistance, or food assistance benefits  
94 received on behalf of a child under 18 years of age who has an  
95 absent parent.

96           (10)~~(9)~~ "Program attorney" means an attorney employed by  
97 the department, under contract with the department, or employed  
98 by a contractor of the department, to provide legal  
99 representation for the department in a proceeding related to the  
100 determination of paternity or the establishment, modification,

101 or enforcement of support brought pursuant to law.

102 (11)~~(10)~~ "Prosecuting attorney" means any private  
103 attorney, county attorney, city attorney, state attorney,  
104 program attorney, or an attorney employed by an entity of a  
105 local political subdivision who engages in legal action related  
106 to the determination of paternity or the establishment,  
107 modification, or enforcement of support brought pursuant to this  
108 act.

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

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

124 (16) "Title IV-D Standard Parenting Time Plan" means a  
125 document which may be agreed to by the parents to govern the

126 relationship between the parents and to provide the parent who  
 127 owes support a reasonable minimum amount of time with his or her  
 128 child. The plans set forth in s. 409.25633 include timetables  
 129 that specify the time, including overnights and holidays, that a  
 130 minor child 3 years of age or older may spend with each parent.

131 (15)~~(11)~~ "Support," unless otherwise specified, means:

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

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

138 (1)~~(12)~~ "Administrative costs" means any costs, including  
 139 attorney ~~attorney's~~ fees, clerk's filing fees, recording fees  
 140 and other expenses incurred by the clerk of the circuit court,  
 141 service of process fees, or mediation costs, incurred by the  
 142 Title IV-D agency in its effort to administer the Title IV-D  
 143 program. The administrative costs that ~~which~~ must be collected  
 144 by the department shall be assessed on a case-by-case basis  
 145 based upon a method for determining costs approved by the  
 146 Federal Government. The administrative costs shall be assessed  
 147 periodically by the department. The methodology for determining  
 148 administrative costs shall be made available to the judge or any  
 149 party who requests it. Only those amounts ordered independent of  
 150 current support, arrears, or past public assistance obligation

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151 shall be considered and applied toward administrative costs.

152 (2)~~(13)~~ "Child support services" includes any civil,  
153 criminal, or administrative action taken by the Title IV-D  
154 program to determine paternity or to~~to~~ establish, modify,  
155 enforce, or collect support.

156 (17)~~(14)~~ "Undistributable collection" means a support  
157 payment received by the department which the department  
158 determines cannot be distributed to the final intended  
159 recipient.

160 (18)~~(15)~~ "Unidentifiable collection" means a payment  
161 received by the department for which a parent, depository or  
162 circuit civil numbers, or source of the payment cannot be  
163 identified.

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

166 409.2557 State agency for administering child support  
167 enforcement program.—

168 (2) The department in its capacity as the state Title IV-D  
169 agency has ~~shall have~~ the authority to take actions necessary to  
170 carry out the public policy of ensuring that children are  
171 maintained from the resources of their parents to the extent  
172 possible. The department's authority includes ~~shall include~~, but  
173 is not ~~be~~ limited to, the establishment of paternity or support  
174 obligations, the establishment of a Title IV-D Standard  
175 Parenting Time Plan or any other parenting time plan agreed to

176 by the parents, and as well as the modification, enforcement,  
177 and collection of support obligations.

178 Section 4. Subsections (2), (4), (5), and (7) of section  
179 409.2563, Florida Statutes, are amended to read:

180 409.2563 Administrative establishment of child support  
181 obligations.—

182 (2) PURPOSE AND SCOPE.—

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

193 (b) If the parents do not have an existing time-sharing  
194 schedule or parenting time plan and do not agree to a parenting  
195 time plan, a parenting time plan will not be included in the  
196 initial administrative order, only a statement explaining its  
197 absence.

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



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

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

225        (f) ~~(e)~~ If there is no support order for a child in a Title

226 IV-D case whose paternity has been established or is presumed by  
 227 law, or whose paternity is the subject of a proceeding under s.  
 228 409.256, the department may establish a parent's child support  
 229 obligation pursuant to this section, s. 61.30, and other  
 230 relevant provisions of state law. The administrative support  
 231 order will include a parenting time plan or Title IV-D Standard  
 232 Parenting Time Plan as agreed to by both parents. The parent's  
 233 obligation determined by the department may include any  
 234 obligation to pay retroactive support and any obligation to  
 235 provide for health care for a child, whether through insurance  
 236 coverage, reimbursement of expenses, or both. The department may  
 237 proceed on behalf of:

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

247 (g) ~~(d)~~ Either parent, or a caregiver if applicable, may at  
 248 any time file a civil action in a circuit court having  
 249 jurisdiction and proper venue to determine parental support  
 250 obligations, if any. A support order issued by a circuit court

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251 prospectively supersedes an administrative support order  
252 rendered by the department.

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

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

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

275 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE

276 SUPPORT ORDER.—To commence a proceeding under this section, the  
 277 department shall provide to the parent from whom support is not  
 278 being sought and serve the parent from whom support is being  
 279 sought with a notice of proceeding to establish administrative  
 280 support order, a copy of the Title IV-D Standard Parenting Time  
 281 Plans, and a blank financial affidavit form. The notice must  
 282 state:

283 (a) The names of both parents, the name of the caregiver,  
 284 if any, and the name and date of birth of the child or  
 285 children. †

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

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

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

294 (e) ~~(d)~~ That both parents, or parent and caregiver if  
 295 applicable, are required to furnish to the department  
 296 information regarding their identities and locations, as  
 297 provided by paragraph (13) (b). †

298 (f) ~~(e)~~ That both parents, or parent and caregiver if  
 299 applicable, are required to promptly notify the department of  
 300 any change in their mailing addresses to ensure receipt of all

301 subsequent pleadings, notices, and orders, as provided by  
 302 paragraph (13) (c).~~†~~

303 (g)~~(f)~~ That the department will calculate support  
 304 obligations based on the child support guidelines schedule in s.  
 305 61.30 and using all available information, as provided by  
 306 paragraph (5) (a), and will incorporate such obligations into a  
 307 proposed administrative support order.~~†~~

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

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

318 (j)~~(i)~~ That if the parent from whom support is being  
 319 sought does not file a timely request for hearing after service  
 320 of the proposed administrative support order, the department  
 321 will issue an administrative support order that incorporates the  
 322 findings of the proposed administrative support order~~†~~ and any  
 323 agreed-upon parenting time plan. The department will send by  
 324 regular mail a copy of the administrative support order and any  
 325 incorporated parenting time plan to both parents~~†~~ or to the

326 | parent and the caregiver, if applicable.†

327 |        (k)~~(j)~~ That after an administrative support order is  
 328 | rendered incorporating any agreed-upon parenting time plan, the  
 329 | department will file a copy of the order with the clerk of the  
 330 | circuit court.†

331 |        (l)~~(k)~~ That after an administrative support order is  
 332 | rendered, the department may enforce the administrative support  
 333 | order by any lawful means. The department does not have  
 334 | jurisdiction to enforce any parenting time plan that is  
 335 | incorporated into an administrative support order.†

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

342 |        (n)~~(m)~~ That neither the department nor the Division of  
 343 | Administrative Hearings has jurisdiction to ~~award or~~ change  
 344 | child custody or rights of parental contact or time-sharing, and  
 345 | these issues may be addressed only in circuit court. The  
 346 | department or the Division of Administrative Hearings may  
 347 | incorporate, if agreed to by both parents, a parenting time plan  
 348 | or Title IV-D Standard Parenting Time Plan when the  
 349 | administrative support order is established.

350 |        1. The parent from whom support is being sought may

351 request in writing that the department proceed in circuit court  
352 to determine his or her support obligations.

353 2. The parent from whom support is being sought may state  
354 in writing to the department his or her intention to address  
355 issues concerning custody or rights to parental contact in  
356 circuit court.

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

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

372 5. In any circuit court action filed by the department  
373 pursuant to this paragraph or filed by a parent from whom  
374 support is being sought or other person pursuant to paragraph  
375 (m) ~~(l)~~ or paragraph (o) ~~(n)~~, the department shall be a party

376 only with respect to those issues of support allowed and  
377 reimbursable under Title IV-D of the Social Security Act. It is  
378 the responsibility of the parent from whom support is being  
379 sought or other person to take the necessary steps to present  
380 other issues for the court to consider.

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

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

391  
392 The department may serve the notice of proceeding to establish  
393 an administrative support order and Title IV-D Standard  
394 Parenting Time Plans by certified mail, restricted delivery,  
395 return receipt requested. Alternatively, the department may  
396 serve the notice by any means permitted for service of process  
397 in a civil action. For purposes of this section, an authorized  
398 employee of the department may serve the notice and execute an  
399 affidavit of service. Service by certified mail is completed  
400 when the certified mail is received or refused by the addressee



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

415 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

416 (a) After serving notice upon a parent in accordance with  
417 subsection (4), the department shall calculate that parent's  
418 child support obligation under the child support guidelines  
419 schedule as provided by s. 61.30, based on any timely financial  
420 affidavits received and other information available to the  
421 department. If either parent fails to comply with the  
422 requirement to furnish a financial affidavit, the department may  
423 proceed on the basis of information available from any source,  
424 if such information is sufficiently reliable and detailed to  
425 allow calculation of guideline schedule amounts under s. 61.30.

426 If a parent receives public assistance and fails to submit a  
427 financial affidavit, the department may submit a financial  
428 affidavit or written declaration for that parent pursuant to s.  
429 61.30(15). If there is a lack of sufficient reliable information  
430 concerning a parent's actual earnings for a current or past  
431 period, it shall be presumed for the purpose of establishing a  
432 support obligation that the parent had an earning capacity equal  
433 to the federal minimum wage during the applicable period.

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

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

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

450 2. If the parent from whom support is being sought files a

451 timely request for a hearing, the case shall be transferred to  
452 the Division of Administrative Hearings, which shall conduct  
453 further proceedings and may enter an administrative support  
454 order;

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

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

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

471 6. If an administrative support order that establishes a  
472 parent's support obligation and incorporates either a parenting  
473 time plan or Title IV-D Standard Parenting Time Plan agreed to  
474 by both parents is rendered, whether after a hearing or without  
475 a hearing, the department may enforce the administrative support

476 order by any lawful means. The department does not have the  
477 jurisdiction or authority to enforce a parenting time plan.

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

487 (7) ADMINISTRATIVE SUPPORT ORDER.—

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

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

499 (c) If the parent from whom support is being sought waives  
500 the right to a hearing, or consents in writing to the entry of

501 an order without a hearing, the department may render an  
 502 administrative support order that will include a parenting time  
 503 plan or Title IV-D Standard Parenting Time Plan agreed to by  
 504 both parents.

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

513 (e) An administrative support order must comply with ss.  
 514 61.13(1) and 61.30. The department shall develop a standard form  
 515 or forms for administrative support orders. An administrative  
 516 support order must provide and state findings, if applicable,  
 517 concerning:

- 518 1. The full name and date of birth of the child or  
 519 children;
- 520 2. The name of the parent from whom support is being  
 521 sought and the other parent or caregiver;
- 522 3. The parent's duty and ability to provide support;
- 523 4. The amount of the parent's monthly support obligation;
- 524 5. Any obligation to pay retroactive support;
- 525 6. The parent's obligation to provide for the health care

526 needs of each child, whether through health insurance,  
527 contribution toward the cost of health insurance, payment or  
528 reimbursement of health care expenses for the child, or any  
529 combination thereof;

530 7. The beginning date of any required monthly payments and  
531 health insurance;

532 8. That all support payments ordered must be paid to the  
533 ~~Florida~~ State Disbursement Unit as provided by s. 61.1824;

534 9. That the parents, or caregiver if applicable, must file  
535 with the department when the administrative support order is  
536 rendered, if they have not already done so, and update as  
537 appropriate the information required pursuant to paragraph  
538 (13) (b);

539 10. That both parents, or parent and caregiver if  
540 applicable, are required to promptly notify the department of  
541 any change in their mailing addresses pursuant to paragraph  
542 (13) (c); and

543 11. That if the parent ordered to pay support receives  
544 reemployment assistance or unemployment compensation benefits,  
545 the payor shall withhold, and transmit to the department, 40  
546 percent of the benefits for payment of support, not to exceed  
547 the amount owed.

548  
549 An income deduction order as provided by s. 61.1301 must be  
550 incorporated into the administrative support order or, if not

551 incorporated into the administrative support order, the  
552 department or the Division of Administrative Hearings shall  
553 render a separate income deduction order.

554 Section 5. Section 409.25633, Florida Statutes, is created  
555 to read:

556 409.25633.—Title IV-D Standard Parenting Time Plans.

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

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

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

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

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

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

598 (e) Spring break.—In even-numbered years, the week of  
599 spring break from 6 p.m. the day that school is released until 6  
600 p.m. the night before school resumes. If both parents agree, the



601 spring break parenting time may begin upon the child's release  
602 from school and end upon the child's return to school the  
603 following Monday; and

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

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

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

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

621 (4) If the child is under 3 years of age, the parents may  
622 agree on a parenting time plan that includes more frequent  
623 visitation with shorter timeframes, gradually leading into  
624 overnight visits and either a parenting time plan agreed to by  
625 both parents or the Title IV-D Standard Parenting Time Plan set

626 out in this section.

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

632 (6) The department shall create and provide a form for a  
633 petition to establish a parenting time plan for parents who have  
634 not agreed on a parenting schedule at the time of the child  
635 support hearing. The department shall provide the form to the  
636 parents but may not file the petition or represent either parent  
637 at the hearing.

638 (7) The parents are not required to pay a fee to file the  
639 petition to establish a parenting time plan.

640 (8) The department may adopt rules to implement and  
641 administer this section.

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

644 409.2564 Actions for support.—

645 (1) In each case in which regular support payments are not  
646 being made as provided herein, the department shall institute,  
647 within 30 days after determination of the obligor's reasonable  
648 ability to pay, action as is necessary to secure the obligor's  
649 payment of current support and any arrearage that ~~which~~ may have  
650 accrued under an existing order of support, and, if a parenting

651 time plan was not incorporated into the existing order of  
652 support and is appropriate, include either an agreed-upon  
653 parenting time plan or Title IV-D Standard Parenting Time Plan.  
654 The department shall notify the program attorney in the judicial  
655 circuit in which the recipient resides setting forth the facts  
656 in the case, including the obligor's address, if known, and the  
657 public assistance case number. Whenever applicable, the  
658 procedures established under ~~the provisions of~~ chapter 88,  
659 Uniform Interstate Family Support Act, chapter 61, Dissolution  
660 of Marriage; Support; Time-sharing, chapter 39, Proceedings  
661 Relating to Children, chapter 984, Children and Families in Need  
662 of Services, and chapter 985, Delinquency; Interstate Compact on  
663 Juveniles, may govern actions instituted under ~~the provisions of~~  
664 this act, except that actions for support under chapter 39,  
665 chapter 984, or chapter 985 brought pursuant to this act shall  
666 not require any additional investigation or supervision by the  
667 department.

668 (2) The order for support entered pursuant to an action  
669 instituted by the department under ~~the provisions of~~ subsection  
670 (1) shall require that the support payments be made periodically  
671 to the department through the depository. An order for support  
672 entered under the provisions of subsection (1) must include  
673 either an agreed-upon parenting time plan or Title IV-D Standard  
674 Parenting Time Plan, if appropriate. Upon receipt of a payment  
675 made by the obligor pursuant to any order of the court, the

676 depository shall transmit the payment to the department within 2  
677 working days, except those payments made by personal check which  
678 shall be disbursed in accordance with s. 61.181. Upon request,  
679 the depository shall furnish to the department a certified  
680 statement of all payments made by the obligor. Such statement  
681 shall be provided by the depository at no cost to the  
682 department.

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

686 409.256 Administrative proceeding to establish paternity  
687 or paternity and child support; order to appear for genetic  
688 testing.—

689 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO  
690 THE COURTS.—

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

693 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR  
694 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC  
695 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue  
696 shall commence a proceeding to determine paternity, or a  
697 proceeding to determine both paternity and child support, by  
698 serving the respondent with a notice as provided in this  
699 section. An order to appear for genetic testing may be served at  
700 the same time as a notice of the proceeding or may be served

701 separately. A copy of the affidavit or written declaration upon  
702 which the proceeding is based shall be provided to the  
703 respondent when notice is served. A notice or order to appear  
704 for genetic testing shall be served by certified mail,  
705 restricted delivery, return receipt requested, or in accordance  
706 with the requirements for service of process in a civil action.  
707 Service by certified mail is completed when the certified mail  
708 is received or refused by the addressee or by an authorized  
709 agent as designated by the addressee in writing. If a person  
710 other than the addressee signs the return receipt, the  
711 department shall attempt to reach the addressee by telephone to  
712 confirm whether the notice was received, and the department  
713 shall document any telephonic communications. If someone other  
714 than the addressee signs the return receipt, the addressee does  
715 not respond to the notice, and the department is unable to  
716 confirm that the addressee has received the notice, service is  
717 not completed and the department shall attempt to have the  
718 addressee served personally. For purposes of this section, an  
719 employee or an authorized agent of the department may serve the  
720 notice or order to appear for genetic testing and execute an  
721 affidavit of service. The department may serve an order to  
722 appear for genetic testing on a caregiver. The department shall  
723 provide a copy of the notice or order to appear by regular mail  
724 to the mother and caregiver, if they are not respondents.

725 (a) A notice of proceeding to establish paternity must

726 state:

727 1. That the department has commenced an administrative  
728 proceeding to establish whether the putative father is the  
729 biological father of the child named in the notice.

730 2. The name and date of birth of the child and the name of  
731 the child's mother.

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

735 4. That the respondent is required to submit to genetic  
736 testing.

737 5. That genetic testing will establish either a high  
738 degree of probability that the putative father is the biological  
739 father of the child or that the putative father cannot be the  
740 biological father of the child.

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

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

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

750 b. Commence a proceeding, as provided in s. 409.2563, to

751 establish an administrative support order for the child. Notice  
752 of the proceeding shall be provided to the respondent by regular  
753 mail.

754 8. That, if the genetic test results indicate a  
755 statistical probability of paternity that equals or exceeds 99  
756 percent and a proceeding to establish an administrative support  
757 order is commenced, the department shall issue a proposed order  
758 that addresses paternity and child support. The respondent may  
759 consent to or contest the proposed order at an administrative  
760 hearing.

761 9. That if a proposed order of paternity or proposed order  
762 of both paternity and child support is not contested, the  
763 department shall adopt the proposed order and render a final  
764 order that establishes paternity and, if appropriate, an  
765 administrative support order for the child.

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

775 11. That the respondent may file an action in circuit

776 court for a determination of paternity, child support  
 777 obligations, or both.

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

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

786

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

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

792 409.2572 Cooperation.—

793 (5) As used in this section only, the term "applicant for  
 794 or recipient of public assistance for a dependent child" refers  
 795 to such applicants and recipients of public assistance as  
 796 defined in s. 409.2554(12) ~~s. 409.2554(8)~~, with the exception of  
 797 applicants for or recipients of Medicaid solely for the benefit  
 798 of a dependent child.

799 Section 9. For the 2017-2018 fiscal year, the following  
 800 sums are appropriated for the purpose of implementing this act:



801        (1) The sum of \$419,520 in nonrecurring funds is  
802 appropriated from the General Revenue Fund to the Department of  
803 Revenue for contracted services.

804        (2) The sum of \$20,729 in recurring funds is appropriated  
805 from the General Revenue Fund to the Department of Revenue for  
806 expenses.

807        (3) The sum of \$91,127 in recurring funds is appropriated  
808 from the General Revenue Fund to the Department of Revenue for  
809 salaries and benefits.

810        Section 10. This act shall take effect January 1, 2018.