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1 A bill to be entitled
2 An act relating to child support enforcement; amending s.
3 61.14, F.S., relating to enforcement of support,
4 maintenance, and alimony agreements; specifying
5 application of payments on judgments; amending s. 328.42,
6 F.S.; requiring cooperation between the Department of
7 Revenue and the Department of Highway Safety and Motor
8 Vehicles regarding cancellation of certain vessel
9 registrations or suspension of vessel operating privileges
10 due to support delinquency; removing screening
11 requirements for applicants for new or renewal
12 registrations; amending s. 409.256, F.S.; requiring
13 correctional facilities to assist putative fathers in
14 complying with administrative orders for genetic testing;
15 providing that an administrative order for genetic testing
16 has the same force and effect as a court order; repealing
17 s. 409.25645, F.S., relating to administrative orders for
18 genetic testing; amending s. 409.2584, F.S.; providing
19 additional conditions for waiver of interest earned on
20 certain judgments; amending ss. 456.004, 497.167, 559.79,
21 and 1012.21, F.S.; requiring cooperation between the
22 Department of Revenue and the Department of Health, the
23 Department of Financial Services, the Department of
24 Business and Professional Regulation, and the Department
25 of Education, respectively, regarding automated disclosure
26 of certain information relating to current licensees and
27 certificateholders who are not in compliance with certain
28 support orders, subpoenas, orders to show cause, or

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29 written agreements; providing conditions for reinstatement
 30 of licenses and certificates; removing screening
 31 requirements for applicants for new or renewal licenses or
 32 certificates; amending s. 1012.795, F.S.; authorizing the
 33 Education Practices Commission to suspend an educator
 34 certificate upon notice from the Department of Revenue
 35 that the certificateholder is not in compliance with
 36 certain support orders, subpoenas, orders to show cause,
 37 or written agreements; providing conditions for
 38 reinstatement of the certificate; providing an effective
 39 date.

40

41 Be It Enacted by the Legislature of the State of Florida:

42

43 Section 1. Paragraph (d) of subsection (6) of section
 44 61.14, Florida Statutes, is amended to read:

45 61.14 Enforcement and modification of support,
 46 maintenance, or alimony agreements or orders.--

47 (6)

48 (d) The court shall hear the obligor's motion to contest
 49 the impending judgment within 15 days after the date of the
 50 filing of the motion. Upon the court's denial of the obligor's
 51 motion, the amount of the delinquency and all other amounts
 52 which thereafter become due, together with costs and a service
 53 charge of up to \$7.50, become a final judgment by operation of
 54 law against the obligor. The depository shall charge interest at
 55 the rate established in s. 55.03 on all judgments for support.

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56 Payments on judgments shall be applied first to the principal
 57 amount due and then to any interest accrued thereon.

58 Section 2. Subsection (1) of section 328.42, Florida
 59 Statutes, is amended to read:

60 328.42 Cancellation ~~Suspension or denial~~ of a vessel
 61 registration or suspension of a vessel operating privilege due
 62 to support delinquency; dishonored checks.--

63 (1) The department shall work cooperatively with the
 64 Department of Revenue to implement an automated method for
 65 periodically disclosing information relating to current owners
 66 of registered vessels to ~~must allow applicants for new or~~
 67 ~~renewal registrations to be screened by the Department of~~
 68 Revenue, as the Title IV-D child support agency under s.
 69 409.2598 ~~to assure compliance with an obligation for support as~~
 70 ~~defined in s. 409.2554, or by a non IV D obligee to assure~~
 71 ~~compliance with a child support obligation.~~ The purpose of this
 72 section is to promote the public policy of this state as
 73 established in s. 409.2551. The department shall ~~must~~, when
 74 directed by the court or the Department of Revenue pursuant to
 75 s. 409.2598, cancel deny or suspend the vessel registration or
 76 suspend the vessel operating privilege of any owner applicant
 77 found not to be in compliance with a support order, subpoena,
 78 order to show cause, or written agreement entered into by the
 79 owner with the Department of Revenue ~~to have a delinquent~~
 80 ~~support obligation.~~ The department shall ~~must~~ ~~issue or~~ reinstate
 81 a registration or privilege to operate a vessel when notified by
 82 the Department of Revenue ~~Title IV-D agency~~ or the court that
 83 the owner applicant has complied with the terms of the support

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84 ~~court~~ order, subpoena, order to show cause, or written
 85 agreement. The department may not be held liable for any
 86 registration cancellation ~~denial~~ or suspension of vessel
 87 operating privileges resulting from the discharge of its duties
 88 under this section.

89 Section 3. Paragraphs (d) and (e) are added to subsection
 90 (4) of section 409.256, Florida Statutes, to read:

91 409.256 Administrative proceeding to establish paternity
 92 or paternity and child support; order to appear for genetic
 93 testing.--

94 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
 95 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
 96 TESTING; MANNER OF SERVICE; CONTENTS.--The Department of Revenue
 97 shall commence a proceeding to determine paternity, or a
 98 proceeding to determine both paternity and child support, by
 99 serving the respondent with a notice as provided in this
 100 section. An order to appear for genetic testing may be served at
 101 the same time as a notice of the proceeding or may be served
 102 separately. A copy of the affidavit or written declaration upon
 103 which the proceeding is based shall be provided to the
 104 respondent when notice is served. A notice or order to appear
 105 for genetic testing shall be served by certified mail,
 106 restricted delivery, return receipt requested, or in accordance
 107 with the requirements for service of process in a civil action.
 108 Service by certified mail is completed when the certified mail
 109 is received or refused by the addressee or by an authorized
 110 agent as designated by the addressee in writing. If a person
 111 other than the addressee signs the return receipt, the

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112 department shall attempt to reach the addressee by telephone to
 113 confirm whether the notice was received, and the department
 114 shall document any telephonic communications. If someone other
 115 than the addressee signs the return receipt, the addressee does
 116 not respond to the notice, and the department is unable to
 117 confirm that the addressee has received the notice, service is
 118 not completed and the department shall attempt to have the
 119 addressee served personally. For purposes of this section, an
 120 employee or an authorized agent of the department may serve the
 121 notice or order to appear for genetic testing and execute an
 122 affidavit of service. The department may serve an order to
 123 appear for genetic testing on a custodian. The department shall
 124 provide a copy of the notice or order to appear by regular mail
 125 to the mother and custodian, if they are not respondents.

126 (d) If the putative father is incarcerated, the
 127 correctional facility shall assist the putative father in
 128 complying with the administrative order issued under this
 129 section.

130 (e) An administrative order for genetic testing has the
 131 same force and effect as a court order.

132 Section 4. Section 409.25645, Florida Statutes, is
 133 repealed.

134 Section 5. Section 409.2584, Florida Statutes, is amended
 135 to read:

136 409.2584 Interest on obligations due; waiver.--The
 137 department may collect interest at the rate established in s.
 138 55.03 on all support obligations enforced by ~~due and owing to~~
 139 the department; however, the department is not required to

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140 maintain interest balance due accounts, ~~and said~~ Interest owed
 141 to the state may be waived by the department if the waiver would
 142 facilitate the collection of the obligation or the department
 143 determines the interest is uncollectible.

144 Section 6. Subsection (9) of section 456.004, Florida
 145 Statutes, is amended to read:

146 456.004 Department; powers and duties.--The department,
 147 for the professions under its jurisdiction, shall:

148 (9) Work cooperatively with the Department of Revenue to
 149 implement an automated method for periodically disclosing
 150 information relating to current licensees to the Department of
 151 Revenue, as ~~Allow applicants for new or renewal licenses and~~
 152 ~~current licensees to be screened by~~ the Title IV-D child support
 153 agency under ~~pursuant to~~ s. 409.2598 ~~to assure compliance with a~~
 154 ~~support obligation, as defined in s. 409.2554.~~ The purpose of
 155 this subsection is to promote the public policy of this state as
 156 established in s. 409.2551. The department shall, when directed
 157 by the court or the Department of Revenue pursuant to s.
 158 409.2598, suspend or deny the license of any licensee found not
 159 to be in compliance with a support order, subpoena, order to
 160 show cause, or written agreement entered into by the licensee
 161 with the Department of Revenue ~~to have a delinquent support~~
 162 ~~obligation.~~ The department shall ~~issue or~~ reinstate the license
 163 without additional charge to the licensee when notified by the
 164 court or the Department of Revenue that the licensee has
 165 complied with the terms of the support court order, subpoena,
 166 order to show cause, or written agreement. The department shall
 167 not be held liable for any license ~~denial or~~ suspension

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168 resulting from the discharge of its duties under this
 169 subsection.

170 Section 7. Subsection (6) of section 497.167, Florida
 171 Statutes, is amended to read:

172 497.167 Administrative matters.--

173 (6) The department shall work cooperatively with the
 174 Department of Revenue to implement an automated method for
 175 periodically disclosing information relating to ~~allow applicants~~
 176 ~~for new or renewal licenses and current licensees to be screened~~
 177 ~~by the Department of Revenue, as the~~ Title IV-D child support
 178 agency under ~~pursuant to~~ s. 409.2598 ~~to ensure compliance with a~~
 179 ~~support obligation~~. The purpose of this subsection is to promote
 180 the public policy of this state as established in s. 409.2551.
 181 The department shall, when directed by the court or the
 182 Department of Revenue pursuant to s. 409.2598, suspend ~~or deny~~
 183 the license of any licensee found not to be in compliance with a
 184 support order, subpoena, order to show cause, or written
 185 agreement entered into by the licensee with the Department of
 186 Revenue to have a delinquent support obligation, as defined in
 187 ~~s. 409.2554~~. The department shall ~~issue or~~ reinstate the license
 188 without additional charge to the licensee when notified by the
 189 court or the Department of Revenue that the licensee has
 190 complied with the terms of the support ~~court~~ order, subpoena,
 191 order to show cause, or written agreement. The department shall
 192 not be held liable for any license ~~denial or~~ suspension
 193 resulting from the discharge of its duties under this
 194 subsection.

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195 Section 8. Subsection (3) of section 559.79, Florida
 196 Statutes, is amended to read:

197 559.79 Applications for license or renewal.--

198 (3) The department shall work cooperatively with the
 199 Department of Revenue to implement an automated method for
 200 periodically disclosing information relating to current
 201 licensees to the Department of Revenue, as allow the Title IV-D
 202 child support agency under ~~to screen all applicants for new or~~
 203 ~~renewal licenses and current licensees pursuant to s. 409.2598~~
 204 ~~to assure compliance with a support obligation, as defined in s.~~
 205 ~~409.2554.~~ The purpose of this subsection is to promote the
 206 public policy of this state as established in s. 409.2551. The
 207 department shall, when directed by the court or the Department
 208 of Revenue pursuant to s. 409.2598, suspend ~~or deny~~ the license
 209 of any licensee found not to be in compliance with a support
 210 order, subpoena, order to show cause, or written agreement
 211 entered into by the licensee with the Department of Revenue ~~to~~
 212 ~~have a delinquent support obligation.~~ The department shall ~~issue~~
 213 ~~or~~ reinstate the license without additional charge to the
 214 licensee when notified by the court or the Department of Revenue
 215 that the licensee has complied with the terms of the support
 216 ~~court~~ order, subpoena, order to show cause, or written
 217 agreement. The department shall not be liable for any license
 218 ~~denial or~~ suspension resulting from the discharge of its duties
 219 under this subsection.

220 Section 9. Subsection (3) of section 1012.21, Florida
 221 Statutes, is amended to read:

222 1012.21 Department of Education duties; K-12 personnel.--

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223 (3) SUSPENSION ~~OR DENIAL~~ OF TEACHING CERTIFICATE DUE TO
 224 CHILD SUPPORT DELINQUENCY.--The Department of Education shall
 225 work cooperatively with the Department of Revenue to implement
 226 an automated method for periodically disclosing information
 227 relating to individuals who hold a certificate pursuant to s.
 228 1012.56 or s. 1012.57 to the Department of Revenue, as allow
 229 ~~applicants for new or renewal certificates and renewal~~
 230 ~~certificateholders to be screened by~~ the Title IV-D child
 231 support agency under pursuant to s. 409.2598 to assure
 232 ~~compliance with an obligation for support, as defined in s.~~
 233 ~~409.2554.~~ The purpose of this subsection ~~section~~ is to promote
 234 the public policy of this state as established in s. 409.2551.
 235 The department shall, when directed by the court or the
 236 Department of Revenue pursuant to s. 409.2598, suspend the
 237 certificate of any person ~~deny the application of any applicant~~
 238 found not to be in compliance with a support order, subpoena,
 239 order to show cause, or written agreement entered into by the
 240 certificateholder with the Department of Revenue ~~to have a~~
 241 ~~delinquent support obligation.~~ The department shall ~~issue or~~
 242 ~~reinstate the certificate without additional charge to the~~
 243 ~~certificateholder when notified by the court~~ or the Department
 244 of Revenue that the certificateholder has complied with the
 245 terms of the support court order, subpoena, order to show cause,
 246 or written agreement. The department shall not be held liable
 247 for any certificate ~~denial or~~ suspension resulting from the
 248 discharge of its duties under this section.

249 Section 10. Subsection (1) and paragraph (a) of subsection
 250 (4) of section 1012.795, Florida Statutes, are amended to read:

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251 1012.795 Education Practices Commission; authority to
 252 discipline.--
 253 (1) The Education Practices Commission may suspend the
 254 educator certificate of any person as defined in s. 1012.01(2)
 255 or (3) for a period of time not to exceed 5 years, thereby
 256 denying that person the right to teach or otherwise be employed
 257 by a district school board or public school in any capacity
 258 requiring direct contact with students for that period of time,
 259 after which the holder may return to teaching as provided in
 260 subsection (4); may revoke the educator certificate of any
 261 person, thereby denying that person the right to teach or
 262 otherwise be employed by a district school board or public
 263 school in any capacity requiring direct contact with students
 264 for a period of time not to exceed 10 years, with reinstatement
 265 subject to the provisions of subsection (4); may revoke
 266 permanently the educator certificate of any person thereby
 267 denying that person the right to teach or otherwise be employed
 268 by a district school board or public school in any capacity
 269 requiring direct contact with students; may suspend the educator
 270 certificate, upon order of the court or notice by the Department
 271 of Revenue pursuant to s. 409.2598, of any person found not to
 272 be in compliance with a support order, subpoena, order to show
 273 cause, or written agreement entered into by the
 274 certificateholder with the Department of Revenue ~~to have a~~
 275 ~~delinquent child support obligation~~; or may impose any other
 276 penalty provided by law, provided it can be shown that the
 277 person:

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- 278 (a) Obtained or attempted to obtain an educator
 279 certificate by fraudulent means.
- 280 (b) Has proved to be incompetent to teach or to perform
 281 duties as an employee of the public school system or to teach in
 282 or to operate a private school.
- 283 (c) Has been guilty of gross immorality or an act
 284 involving moral turpitude.
- 285 (d) Has had an educator certificate sanctioned by
 286 revocation, suspension, or surrender in another state.
- 287 (e) Has been convicted of a misdemeanor, felony, or any
 288 other criminal charge, other than a minor traffic violation.
- 289 (f) Upon investigation, has been found guilty of personal
 290 conduct which seriously reduces that person's effectiveness as
 291 an employee of the district school board.
- 292 (g) Has breached a contract, as provided in s. 1012.33(2).
- 293 (h) Has been the subject of a court order or notice by the
 294 Department of Revenue pursuant to s. 409.2598 directing the
 295 Education Practices Commission to suspend the certificate as a
 296 result of noncompliance with a support order, subpoena, order to
 297 show cause, or written agreement entered into by the
 298 certificateholder with the Department of Revenue ~~a delinquent~~
 299 ~~child support obligation.~~
- 300 (i) Has violated the Principles of Professional Conduct
 301 for the Education Profession prescribed by State Board of
 302 Education rules.
- 303 (j) Has otherwise violated the provisions of law, the
 304 penalty for which is the revocation of the educator certificate.

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305 (k) Has violated any order of the Education Practices
 306 Commission.

307 (l) Has been the subject of a court order or plea
 308 agreement in any jurisdiction which requires the
 309 certificateholder to surrender or otherwise relinquish his or
 310 her educator's certificate. A surrender or relinquishment shall
 311 be for permanent revocation of the certificate. A person may not
 312 surrender or otherwise relinquish his or her certificate prior
 313 to a finding of probable cause by the commissioner as provided
 314 in s. 1012.796.

315 (4) (a) An educator certificate that ~~which~~ has been
 316 suspended under this section is automatically reinstated at the
 317 end of the suspension period, provided the certificate did not
 318 expire during the period of suspension. If the certificate
 319 expired during the period of suspension, the holder of the
 320 former certificate may secure a new certificate by making
 321 application therefor and by meeting the certification
 322 requirements of the state board current at the time of the
 323 application for the new certificate. An educator certificate
 324 suspended as a result of the certificateholder being found to
 325 not be in compliance with a support order, subpoena, order to
 326 show cause, or written agreement entered into by the
 327 certificateholder with the Department of Revenue pursuant to a
 328 court order for a delinquent child support obligation may only
 329 be reinstated upon notice from the court or the Department of
 330 Revenue pursuant to s. 409.2598 that the party has complied with
 331 the terms of the support ~~court~~ order, subpoena, order to show
 332 cause, or written agreement.

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Section 11. This act shall take effect July 1, 2008.