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STORAGE NAME: h0271s2z cfe
DATE: June 2, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CHILDREN AND FAMILY EMPOWERMENT
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/CS/HB 271, 1ST ENG

RELATING TO: Public Assistance

SPONSOR(S): Health & Human Services Appropriations; Children & Family Empowerment; Representatives Amall and others

COMPANION BILL(S): SB 2171 and HB 1957, 1ST ENG

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE

- (1) CHILDREN AND FAMILY EMPOWERMENT YEAS 3, NAYS 2
- (2) HEALTH AND HUMAN SERVICES FISCAL [WITHDRAWN]
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

05/31/98 Became Law without Governor's Signature; Chapter No. 98-397

II. SUMMARY:

This bill provides for random drug testing of applicants for temporary assistance or services under the Work and Gain Economic Self-Sufficiency (WAGES) act for illegal use of controlled substances. The bill requires that individuals who have tested positive be notified of the availability of local substance abuse services and provides for a 90-day rehabilitation period for recipients who have failed the drug tests. A precedent has been established for this type of legislation in St. Johns County where the board of county commissioners passed a resolution implementing a drug testing program for welfare applicants and recipients.

The cost of this bill is limited by the provisions of the bill to the funds appropriated specifically for this purpose. Random tests are only conducted as long as funds are available for treatment. For purposes of comparison, the annual cost to test and to treat all applicants is estimated at \$11.5 million. Research by the U.S. Department of Health and Human Services indicates that the expense of this program may be more than offset by a reduction in costs related to drug-related crime. Recently published federal regulations provide for the non-medical costs to be funded from the TANF block grant.

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III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

See section by section research.

B. EFFECT OF PROPOSED CHANGES:

See section by section research.

C. APPLICATION OF PRINCIPLES:

1. Less Government.

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

The Department of Children and Families would need to promulgate rules in order to implement the program.

(2) Any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill would increase drug testing and drug treatment and would require the department to offer appeals and retesting.

(3) Any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) What responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

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Not applicable.

(2) What is the cost of such responsibility at the new level/agency?

Not applicable.

(3) How is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

Not applicable.

b. Does the bill require or authorize an increase in any fees?

Not applicable.

c. Does the bill reduce total taxes, both rates and revenues?

Not applicable.

d. Does the bill reduce total fees, both rates and revenues?

Not applicable.

e. Does the bill authorize any fee or tax increase by any local government?

Not applicable.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

Individuals who test positive for illegal substances and fail to undergo rehabilitation or who continue to test positive will lose temporary assistance benefits.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4 Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment.

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not Applicable.

- (2) Who makes the decisions?

Not Applicable.

- (3) Are private alternatives permitted?

Not Applicable.

- (4) Are families required to participate in a program?

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Not Applicable.

(5) Are families penalized for not participating in a program?

Not Applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

The bill places the benefits of a family into jeopardy as a result of substance abuse by one member.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority.

(1) Parents and guardians?

Parents and guardians would be expected to maintain themselves and their dependent children free of illegal substances

(2) Services providers?

Not Applicable.

(3) Government employees/agencies?

Department of Children and Families would be responsible for ensuring that testing is conducted and for establishing procedures for appeals. The appeals procedures would specify responsibility for decisions on appeals.

D. STATUTE(S) AFFECTED:

Sections 61.046, 61.13, 61.14, 61.1301, 61.181, 61 30, 69.041, 319 24, 319.32, 372.561, 372 57, 372 574, 382.008, 382.013, 409 2557, 409 2558, 409.2559, 409.2561, 409.2564, 409.25641, 409.25658, 409 2567, 409.2572, 409.2575, 409.2576, 409 2578, 409 2579, 414.095, 414.32, 443.051, 443.1715, 455.213, 741.04, 742.032, Newly created 61.1824, 61.1825, 61 1826

E. SECTION-BY-SECTION RESEARCH:

Current situation related to sections 1 - 7

Children exposed to adult substance abuse are more likely than other children to display problem behaviors such as short attention span, extreme distractibility, speech and language disorders, aggressive and disruptive behavior, and social incompetence. While it is difficult to quantify the costs to society of the reduced prospects for productive lives of children exposed to adult substance abuse, research suggests that these inter-generational effects are likely to be large (U.S. Department of Health and Human Services and U.S. Department of Education, 1994)

"Time limits, increasing employment and training participation requirements, and strict economic sanctions for noncompliance with program expectations, all increase the importance of engaging a broader share of the AFDC caseload in employment or employment-related activities. Over time, these policy changes will require states and local welfare offices to develop strategies to engage welfare recipients who have traditionally been exempted from participation in education or training activities, as well as other long-term recipients, in welfare-to-work programs."(Olson and Pavetti, 1996)

Analysis of data from the National Longitudinal Study of Youth reveals that almost 90 percent of welfare recipients between the age of 27 and 35 experience one of five potential barriers to employment (Olson and Pavetti, 1996). Substance abuse has been identified as one of these major barriers to economic self-sufficiency. Two 1994 HHS reports (U.S. Department of Health and Human Services, 1994 a & b) used data from the National Household Survey on Drug Abuse (NHSDA) to show the following.

- 10.5% of persons aged 15 and older in Aid to Families with Dependent Children (AFDC) households reported past month illicit drug use.
- 5.2% of adults in AFDC households had significant alcohol or other drug abuse problems that may be sufficiently debilitating to preclude immediate participation in employment or training activities.
- 11.2% of adults in AFDC households were somewhat impaired by alcohol or drug use and might need substance abuse treatment concurrent with participation in employment and training activities. In addition, the National Longitudinal Alcohol Epidemiologic Survey indicated that 9.6% of adult men and 7.3% of adult women who received welfare assistance were dependent on alcohol and 5.6% of men and 3.3% of women who received welfare abused or were dependent on illicit drugs (Grant, B.F. and Dawson, D.A., 1996).

The Department of Children and Families reports that during 1995-96, there were 46,984 applicants for WAGES programs and services. The department estimates that 10.8% or 5,074 1995-96 applicants for WAGES would test positive for illegal substances.

There are currently about 1,400 people in Florida waiting for admission for treatment in a substance abuse program. This indicates that the current treatment system would

need to be expanded in order to accommodate the number of referrals that would result from drug testing. Each person testing positive for illicit drugs would initially be referred to a provider for assessment of the needed level of treatment. Recently published federal regulations provide for the non-medical costs to be funded from the TANF block grant.

References

Olson, Krista, and Pavetti, LaDonna, 1996 *"Personal and Family Challenges to the Successful; Transition from Welfare to Work,"* The Urban Institute.

Grant, B.F. and Dawson, D.A., 1996 *"Alcohol and Drug Use, Abuse, and Dependence among Welfare Recipients,"* American Journal of Public Health 86:1450-1454

U.S. Department of Health and Human Services and U.S. Department of Education, *Risk and Reality: Teaching Preschool Children Affected by Substance Abuse*, 1994

U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation and the National Institute on Drug Abuse, *Patterns of Substance Abuse and Program Participation*, 1994(a).

U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, the Substance Abuse and Mental Health Services Administration, and the National Institute on Drug Abuse, *Patterns of Substance Abuse and Substance-Related Impairment Among Participants in the Aid to Families with Dependent Children Program (AFDC)*, 1994(b).

Effect of proposed changes

SECTION 1. establishes legislative intent and findings to enhance the employability of WAGES recipients through drug screening, testing, and treatment and demonstration projects to screen and test applicants of temporary cash assistance for the illegal use of controlled substances do not currently exist in statute.

Section 2 establishes two demonstration projects in DCF service areas 3 and 8, to be operational as soon as possible after January 1, 1999 and to expire June 30, 2001. The project will screen each applicant and test temporary cash assistance applicants, who DCF has reasonable cause to believe engage in illegal use of controlled substances. The legislation sets out provisions for these demonstration sites. This demonstration program will commence as soon as possible after January 1, 1999 and, unless reauthorized by the Legislature, will expire on June 30, 2001.

Subsection (2) outlines procedures for the drug testing and screening program. The Department of Children and Family Services, must develop and implement a demonstration project to screen all applicants applying for temporary assistance or services for the illegal use of controlled substances. Persons who the department has reasonable cause to believe, based on the screening, engage in the illegal use of controlled substances will be tested.

At the time of application for benefits, the department will provide notice of the local WAGES coalition's participation in the drug screening and testing program. This notice

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must advise that drug screening is eminent and that drug testing will be conducted as a condition for receiving temporary assistance or services under ch. 414, F.S., and shall specify the assistance and services subject to this requirement. The notice must advise the applicant that prospective employers may require the applicant to submit to a pre-employment drug test. The notice must also advise the applicant that the drug screening and possible testing may be avoided if the applicant does not apply for or receive such assistance or services. The drug screening and testing program is not applicable in child-only cases.

Additionally, the department must do the following:

- Develop a procedure for conducting a drug test on applicants for WAGES.
- Provide a procedure to advise each person to be tested, before the test is conducted, that he or she may advise the agent administering the test of any prescription or over-the-counter medication he or she is taking.
- Require that each person tested sign a written acknowledgment that he or she has received and understands the notice and advice as outlined above.
- Provide a procedure to assure a person's dignity while producing and submitting a drug test sample; this procedure will be consistent with the state's need to ensure reliability of the sample.
- Specify circumstances under which a person who fails a drug test has the right to take one or more additional tests.
- Provide a procedure for the appeal of the test results by a person who fails a test as well as for advising the appellant that he or she may, but is not required to, advise appropriate staff of any prescription or over-the-counter medication he or she has been taking.
- Notify each person who fails a drug test of the local substance abuse programs which are available to that person.

Section 3 provides that, if a parent is deemed ineligible for cash assistance due to the failure of a drug test, his or her dependent child's eligibility for cash assistance will not be affected. In this case, a protective payee will be established for the child. If the parent does not cooperate in establishing an appropriate payee for the child, the department will appoint one.

Section 4 outlines criteria for treatment, subject to funding availability. The department will provide a substance abuse treatment program for persons failing a drug test if the person is otherwise eligible to receive WAGES assistance and services. Treatment is not required for participants in the WAGES Program who have failed a drug test at time of application. The department must provide for a retest at the end of the treatment period. Failure to pass the retest will result in the termination of temporary assistance or services provided under ch. 414, F.S., and of any rights to appeal relative to the termination. The department shall develop rules regarding disclosure of information on applicants who enter treatment and may develop rules for assessing the status of persons formerly treated under this act who reapply for assistance or services under WAGES.

The department may develop rules for assessing the status and/or drug testing of persons formerly treated under the act who reapply for assistance or services.

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Section 5 provides criteria for the department, in conjunction with the local WAGES coalitions involved in this demonstration project, to conduct a comprehensive evaluation of the demonstration projects. In the initial phase of such evaluation, due January 1, 2000, the department, in conjunction with the relevant local WAGES coalitions, shall report to the State WAGES Board and the Legislature on the status of implementation of the program, specifically describing problems encountered and costs expended during that first year. Following the initial implementation of the demonstration projects, a subsequent and comprehensive evaluation to the same parties is due January 1, 2001. The final report will include:

- The impact of the drug testing program on employability, job placement, job retention, and salary levels of the participants.
- Recommendations, based in part on a cost benefit analysis, regarding the feasibility of expanding this program to other local WAGES regions, including specific recommendations on how to best expand the drug testing program to the other local WAGES regions.

Section 6 provides that, in the event of a conflict between federal and state procedures, federal requirements and regulations shall control

Section 7 provides funding for the pilot programs from Specific Appropriations 361 and 1892 in the General Appropriations Act, subject to the availability of funding. The section also provides that failure to pass a retest at the end of the treatment period will result in the termination of temporary assistance provided through Chapter 414.

NOTE: Sections 8 through deal with child support enforcement. The current situation and effect of proposed changes are presented for each section.

Section 8:

PRESENT SITUATION AFFECTED BY THE BILL

Section 61.13(1)(b), F.S., requires that all child support orders contain a provision for health insurance, when the insurance is reasonably available. The cost of insurance coverage is required to be apportioned by adding the cost to the basic obligation determined pursuant to the child support guidelines in s. 61.30(6), F.S. Currently, there is no provision directing the court to also apportion, to both parties, the cost of any non-covered medical, dental, and prescription medication expenses of the child by adding these costs to the basic obligation determined pursuant to the child support guidelines in s. 61.30(6), F.S. No provision currently exists for the payment of uncovered medical expenses to be made directly to the payee on a percentage basis.

Section 61.13(9)(c), F.S., states that a tribunal may deem state due process requirements for notice and service of process to have been met upon delivery of written notice to a party at the party's most recent residential or employer address filed with the tribunal and State Case Registry.

CHANGES PROPOSED BY THE BILL

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The change directs the court to apportion to both parties the cost of any noncovered medical, dental, and prescription medication expenses of the child. It also allows for payment of uncovered medical expenses to be made directly to the payee on a percentage basis.

The section also requires that the court shall deem state due process requirements for notice and service of process to have been met upon delivery of written notice to a party at the party's most recent residential or employer address filed with the tribunal and State Case Registry. This change is pursuant to HR 2015 (Pub. L. 105-34), which amended the Personal Responsibility and Work Requirement Act of 1996 (Pub. L. 104-193).

Section 9:

PRESENT SITUATION AFFECTED BY THE BILL

The law requires that orders establishing, enforcing or modifying an obligation for child support or alimony must include payment through income deduction, with some exceptions. There is no requirement to enter a separate income deduction order. When the income deduction language is present in the underlying order, only a notice of income deduction is required to be forwarded to the employer, instead of a separate income deduction order. Currently, the notice of income deduction can be used in Title IV-D and non-Title IV-D cases. Currently, there is no exception from the requirement for payment through income deduction for temporary orders.

Currently, if a support order is entered before October 1, 1996, in a non-Title IV-D case that does not specify income deduction, income deduction may be initiated upon a delinquency without further action by the court.

Currently, enforcement of the income deduction order can only be contested on the ground of mistake of fact regarding the amount owed pursuant to the court order, or the identity of the obligor. The obligor cannot contest the enforcement of the income deduction based on the identity of the payor, or the obligee.

When an employer receives multiple income deduction notices for the same employee, on different cases and the amount of available income for withholding is insufficient to meet all obligations, the employer must contact the court for further instructions.

In situations involving interstate income deduction actions, the law directs the clerk to establish an account for the receipt and disbursement of child support or child support and alimony payments. There is no provision requiring the clerk to take the same action for cases involving direct income withholding to an employer in another state under the Uniform Interstate Family Support Act.

When there are multiple income deductions for one employee, the court shall allocate amounts available for income deduction among all obligee families. In cases where the total obligations to all obligee families are greater than the amount available for deduction, the court is directed to distribute the available monies among the families on a pro rata basis using the total obligation amount to determine this percentage (current support and arrears obligation.) There is no requirement in statute to satisfy the current

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obligations of all the obligee families, if possible, before satisfying arrearage obligations of the families.

CHANGES PROPOSED BY THE BILL

Section 9: requires the entry of a separate income deduction order in conjunction with orders establishing, enforcing or modifying an obligation for child support or alimony, other than temporary orders. In Title IV-D cases, the IV-D agency may implement income deduction by issuing a notice to the payor after receiving a copy of the order. States that employers and other payers of income must deduct support payments from income, as specified in the income deduction notice, in the same manner as support payments deducted pursuant to a notice to payor. The section requires additional provisions be added to the notice, above and beyond the required provisions in the existing notice to payor specified in 61 1301(2)(e). In Title IV-D cases, there is no requirement for the income deduction order to accompany this notice, however, the IV-D agency shall provide the employer with a copy of the income deduction order upon request. For income deduction notices generated on support orders entered during the period of July 1, 1997, through June 30, 1998, the IV-D agency may, in lieu of providing a copy of an income deduction notice, furnish a copy of the order containing provisions for income deduction if the provisions for income deduction are contained in the underlying support order. Requires that in non-Title IV-D cases, the income deduction notice must be accompanied by a copy of the support order upon which the notice is based.

The section provides that if a support order is entered before January 1, 1994, in a non-Title IV-D case that does not specify income deduction, income deduction may be initiated upon a delinquency without further action by the court. This change is pursuant to HR 2015 (Pub. L. 105-34), which amended the Personal Responsibility and Work Requirement Act of 1996 (Pub. L. 104-193).

The section expands the grounds on which an obligor can contest the enforcement of the income deduction to include the identity of the payor, and the identity of the obligee

When an employer receives multiple income deduction orders for the same employee on different cases, if the case is a Title IV-D case, the employer can contact the IV-D agency for further instruction instead of the court. When all the cases are Title IV-D cases, the Title IV-D agency can allocate in accordance with subsection (4).

In cases initiated under the Uniform Interstate Family Support Act the depository is directed to provide a depository number for receipt and disbursement of child support or child support and alimony payments.

When the total obligations to all obligee families are greater than the amount available for deduction, the amount available is to be distributed among the obligee families on a pro rata basis, giving priority to current support, so that each family is allocated a percentage of the amount deducted. This percentage is determined by dividing each current support obligation by the total of all current support obligations. If the total amount of all support obligations is less than the total amount available for deduction, and past due support is owed to more than one family, the remainder of the income is to be distributed among the families owed past due support on a pro rata basis determined

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by dividing each family's past due support obligation by the total of all past due support obligations.

Section 10:

PRESENT SITUATION AFFECTED BY THE BILL

The Florida Association of Court Clerks' name is incorrectly reflected in statute.

The department currently has discretion to exempt a depository from compliance with full participation in the automated system established in s. 61.181(2), F.S.
Effective on or after July 1, 1998, the depositories cannot deduct the transaction fee from support payments if the payment does not include the required transaction fee
This requirement pertains to Title IV-D payments and non-Title IV-D payments.

There is currently no requirement for the Office of Program Policy and Governmental Accountability to evaluate the Dade County and Manatee County child support enforcement demonstration projects.

CHANGES PROPOSED BY THE BILL

Section 10: The Florida Association of Court Clerks' name is corrected in statute.

The section removes the department's discretion to exempt a depository from compliance with full participation in the automated system established in s. 61.181(2), F.S.

Effective on or after July 1, 1998, the depositories cannot deduct the transaction fee from support payments in Title IV-D cases, if the payment does not include the required transaction fee. This provision does not pertain to non-Title IV-D cases.

Directs the Office of Program Policy and Governmental Accountability to evaluate the Dade County Child Support Enforcement demonstration project and the Manatee County Child Support Enforcement demonstration project. The findings are to be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 1999

Section 11:

PRESENT SITUATION AFFECTED BY THE BILL

Currently, the court may deviate from the guideline amount by more than 5% only upon written finding, or a specific finding on the record

Currently there is no provision directing the court to add the cost of any noncovered medical, dental, and prescription medication expenses of the child to the basic obligation when determining the child support guidelines

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There is currently no limitation on the period back to which retroactive child support can be pursued.

CHANGES PROPOSED BY THE BILL

Section 11: The court may deviate from the guideline amount by more than 5% only upon written finding. The bill removes "or a specific finding on the record."

The section requires cost of any noncovered medical, dental, and prescription medication expenses of the child be added to the basic obligation when determining the child support guidelines.

The section restricts establishment of retroactive support to a period of 24 months preceding the filing of the petition.

Section 12:

PRESENT SITUATION AFFECTED BY THE BILL

Under ss 69.041(4)(a) and (b), CSE is made a defendant to any foreclosure action involving a delinquent obligor where a judgment by operation of law was recorded, thus creating a lien on the property. CSE has to file an Answer to the Complaint in each foreclosure case although these cases seldom if ever result in money being disbursed to CSE.

CHANGES PROPOSED BY THE BILL

Section 12 would eliminate the need for CSE to file an Answer or other response to the Complaint for Foreclosure, or other response, but allows CSE to participate in the disbursement of available funds upon issuance of a notice to the court, which is the same procedure used to collect tax liabilities.

Section 13:

PRESENT SITUATION AFFECTED BY THE BILL

Currently only the director of the Child Support Enforcement Program has the authority to place a lien on a motor vehicle or vessel when the program is enforcing a delinquent child support obligation

CHANGES PROPOSED BY THE BILL

Section 13 provides authority to the director of the Child Support Enforcement Program or the director's designee to place a lien on a motor vehicle or vessel when the program is enforcing a delinquent child support obligation.

Section 14:

PRESENT SITUATION AFFECTED BY THE BILL

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Currently CSE pays the statutory cost of \$28.25 for first liens and \$29.25 for subsequent liens placed on motor vehicles, pursuant to s. 319.32, F.S.

CHANGES PROPOSED BY THE BILL

Section 14 would reduce the statutory cost to \$7.00 for the CSE program to place first and subsequent liens when enforcing delinquent child support obligations.

Section 15:

PRESENT SITUATION AFFECTED BY THE BILL

Social security numbers are not presently required to be recorded on applications for recreational licenses.

CHANGES PROPOSED BY THE BILL

HR 2015 (Pub. L. 105-34), which amended the Personal Responsibility and Work Requirement Act of 1996, adds recreational licenses to the list of licenses for which social security numbers must be collected and used for child support enforcement purposes. This section applies to licenses to take wild animal life or freshwater aquatic life under s. 372.561(2), F.S.

Section 16:

PRESENT SITUATION AFFECTED BY THE BILL

Social security numbers are not presently required to be recorded on applications for recreational licenses.

CHANGES PROPOSED BY THE BILL

HR 2015 (Pub. L. 105-34), which amended the Personal Responsibility and Work Requirement Act of 1996, adds recreational licenses to the list of licenses for which social security numbers must be collected and used for child support enforcement purposes. This section applies to licenses to take game, freshwater fish or fur-bearing animals under s. 382.57, F.S.

Section 17:

PRESENT SITUATION AFFECTED BY THE BILL

There is no provision for social security numbers collected under ss. 372.561 and 372.57 to be confidential.

CHANGES PROPOSED BY THE BILL

Provisions for confidentiality of the social security numbers collected pursuant to ss. 372.561 and 372.57, F.S. (ss. 15 & 16 of this bill and analysis) are now codified.

Section 18:

PRESENT SITUATION AFFECTED BY THE BILL

Section 42 of chapter 97-170, Laws of Florida, amended s. 382.008(1), F.S., requiring death and fetal death certificates to include the decedent's social security number, if available. This change was pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193). Section 382.008, F.S., does not contain that language

CHANGES PROPOSED BY THE BILL

The requirement for death and fetal death certificates to include the decedent's social security number, if available, as passed in section 42 of chapter 97-170, Laws of Florida, is removed from the footnote and placed into statute.

Section 19:

PRESENT SITUATION AFFECTED BY THE BILL

Section 43 of chapter 97-170, Laws of Florida, amended s. 382.013, F.S., requiring that information regarding registered births be used for comparison with information in the State Case Registry. This change was pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. 104-193). Section 382.013, F.S., does not contain that language.

There currently is no requirement for the information on a birth certificate, required by s. 382.013(1), F.S., be as to the child's birth parents.

Section 43 of chapter 97-170, Laws of Florida, amended s. 382.013, F.S., requiring states to have procedures for providing a mother and putative father with written or oral notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing a voluntary paternity acknowledgment. This change was pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. 104-193). Section 382.013, F.S., does not contain that language.

No provision currently exists for giving notice through the use of video or audio equipment of the alternatives to, legal consequences of, and the rights, that arise from signing an acknowledgment of paternity.

Current law requires that the "person" having custody of a child will select the child's name and surname.

CHANGES PROPOSED BY THE BILL

The requirement for information regarding registered births will be used for comparison with information in the State Case Registry, as passed in section 43 of chapter 97 170, Laws of Florida, is removed from the footnote and placed into statute.

The section requires that information on a birth certificate, required by s. 382.013(1), F.S. be as to the child's birth parents, unless and until an application for a new birth record is made under s. 63.152, F.S.

The requirement for states to have procedures for providing a mother and putative father with written or oral notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing a voluntary paternity acknowledgment, as passed in section 43 of chapter 97-170, Laws of Florida is removed from the footnote and placed into statute.

The section allows for giving notice through the use of video or audio equipment of the alternatives to, legal consequences of, and the rights, that arise from signing an acknowledgment of paternity. The change is pursuant to HR 2015 (Pub. L. 105-34), which amended the Personal Responsibility and Work Requirement Act of 1996 (Pub. L. 104-193).

The section changes the term "person" to "parent." The parent who has custody of a child shall select the child's name and surname.

Section 20:

PRESENT SITUATION AFFECTED BY THE BILL

CSE's rule making authority exists in section 1 of chapter law 94-124, Laws of Florida, which transferred all powers and duties with respect to the program from the Department of Health and Rehabilitative Services to the Department of Revenue. Explicit statutory authority for general rule making duties currently does not exist

CHANGES PROPOSED BY THE BILL

Section 20 provides that the department has the authority to adopt rules pursuant to sections 120.54 and 120.536(1) to implement laws it administers as the state's Title IV-D agency. Provides specific authority for rule making with respect to certain aspects of program administration and the substantive areas of establishment, enforcement and modification and any other responsibilities required by state and federal law.

Section 21:

PRESENT SITUATION AFFECTED BY THE BILL

Currently there is no provision in statute regarding how the IV-D agency shall distribute child support collections.

CHANGES PROPOSED BY THE BILL

Section 21 creates the provision that the department shall distribute payments received in IV-D cases in accordance with 42 U.S.C. s. 657 and regulations adopted thereunder by the Secretary of the U.S. Department of Health and Human Services.

Section 22:

PRESENT SITUATION AFFECTED BY THE BILL

Currently there is no provision in statute for the department to establish and operate a State Disbursement Unit. There is a reference to this responsibility in section 77 of chapter 97-170, Laws of Florida.

CHANGES PROPOSED BY THE BILL

Section 22 requires the department to establish and operate a State Disbursement Unit by October 1, 1999, as required by 42 U.S.C. s. 654(27).

Section 23:

PRESENT SITUATION AFFECTED BY THE BILL

Section 409.2561, F.S., does not currently reflect that the state will retain amounts collected only to the extent necessary to reimburse amounts paid to the family as assistance by the state.

The law currently directs the court to apply the child support guidelines when establishing retroactive child support in public assistance cases.

CHANGES PROPOSED BY THE BILL

Section 23 requires that the state will retain collections only to the extent to reimburse the state for amounts paid to the family as assistance by the state. The section removes references to retroactive support being calculated pursuant to the child support guidelines set forth in s. 61.30, F.S.

Section 24:

PRESENT SITUATION AFFECTED BY THE BILL

Federal law requires states to have laws which allow the Title IV-D agency to issue and enforce administrative subpoenas. Current law authorizes CSE to subpoena information and to impose a fine for noncompliance with an administrative subpoena.

Section 409.2564(9), F.S., currently allows for redirection of support payments in Temporary Assistance for Needy Families and Medicaid cases where there has been an assignment of rights and notice provided to the obligor and obligee

CHANGES PROPOSED BY THE BILL

Section 24 provides that the Title IV-D director or the director's designee may subpoena information. Removes a method for a person to contest the subpoena Provides for enforcement of the subpoena by the Title IV-D agency petitioning the circuit court. In an enforcement action, requires the department to show that the person who failed to comply with the subpoena did not have good cause for failing to comply. Removes the department's ability to collect an administrative fine, but retains the department's ability to recover costs and fees associated with the enforcement action.

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The section allows for redirection of payments in foster care cases under Title IV-E of the Social Security Act. This change is pursuant to HR 2015 (Pub. L. 105-34), which amended the Personal Responsibility and Work Requirement Act of 1996 (Pub. L. 104-193).

Section 25:

PRESENT SITUATION AFFECTED BY THE BILL

The department is required by federal law to develop procedures for processing interstate enforcement requests through an automated administrative process.

CHANGES PROPOSED BY THE BILL

Section 25 amends the definition of "high-volume" and removes five day processing requirement for processing interstate enforcement requests. This change is pursuant to HR 2015 (Pub. L. 105-34), which amended the Personal Responsibility and Work Opportunity Act of 1996 (Pub. L. 104-0193)

Section 26:

PRESENT SITUATION AFFECTED BY THE BILL

No provision currently exists to provide for abandoned property in the possession of the Department of Banking and Finance to be applied to past due child support in Title IV-D cases in which child support is collected through a court

CHANGES PROPOSED BY THE BILL

Section 26 provides that the Department of Banking and Finance (DBF) and CSE will identify child support obligors owing past-due child support who have abandoned property in the possession of DBF for purposes of collecting child support paid through a court. Provides for transfer of the property to CSE following the applicable notification and claim approval procedures set forth in chapter 717.

Section 27:

PRESENT SITUATION AFFECTED BY THE BILL

Section 10 of chapter 97-170, Laws of Florida, amended language in s 61.1814, F.S., and changed a trust fund name from "Child Support Enforcement Application User Fee Trust Fund" to "Child Support Enforcement Application and Program Income Trust Fund." This trust fund is also mentioned in s. 409.2567, F.S. However, the name of the trust fund was not changed under this latter section.

The Health and Human Services Fiscal Committee of the House of Representatives is erroneously referred to as the Appropriations Committee.

CHANGES PROPOSED BY THE BILL

Section 27 will make the trust fund name consistent throughout the Florida Statutes and provides the correct committee name.

Section 28:

PRESENT SITUATION AFFECTED BY THE BILL

Except for in food stamp cases, there is no language in WAGES that specifically designates CSE as the program responsible for determining whether an applicant for or recipient of public assistance has good cause not to cooperate with CSE. CSE, in coordination with the Department of Children and Families, currently determines good cause.

CHANGES PROPOSED BY THE BILL

By adding language to s. 409.2572, F.S., it is clear that CSE has statutory authority to determine whether an applicant for or recipient of public assistance has good cause not to cooperate with CSE.

Section 29:

PRESENT SITUATION AFFECTED BY THE BILL

Currently only the director of the Child Support Enforcement Program has the authority to place a lien on a motor vehicle or vessel when the program is enforcing a delinquent child support obligation.

CHANGES PROPOSED BY THE BILL

Section 29 provides authority to the director of the Child Support Enforcement Program or the director's designee to place a lien on a motor vehicle or vessel when the program is enforcing a delinquent child support obligation.

Section 30:

PRESENT SITUATION AFFECTED BY THE BILL

As written, s. 409.2576, F. S., restrains the Department of Children and Families and Department of Labor and Employment Security that have access to the State Directory of New Hire program data, pursuant to federal law, from utilizing social security numbers in order to comply with federal requirements governing those agencies.

CHANGES PROPOSED BY THE BILL

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Section 30 allows disclosure of social security number information collected by the State Directory of New Hires to the programs listed in 409 2576(9), F.S. This change is consistent with federal law and laws under which those other programs must operate.

Section 31:

PRESENT SITUATION AFFECTED BY THE BILL

Section 409.2578, F.S., contains a drafting error in which the word "court" appears instead of "order."

Section 10 of chapter 97-170, Laws of Florida, amended language in s. 61.1814, F.S., and changed a trust fund name from "Child Support Enforcement Application User Fee Trust Fund" to "Child Support Enforcement Application and Program Revenue Trust Fund." This trust fund is also mentioned in s. 409.2578(3), F.S. However, the name of the trust fund was not changed under this latter section.

CHANGES PROPOSED BY THE BILL

Section 31 corrects the drafting error and will make the trust fund name consistent throughout the Florida Statutes.

Section 32:

PRESENT SITUATION AFFECTED BY THE BILL

Section 409.2579, F.S., does not clearly permit disclosure by CSE of Title IV-D information regarding the location and identity of parties involved in a paternity or child support proceeding, as required by s. 61.13(9), F.S.

Sections 409.2579(3)& (4), F.S., prohibit CSE from disclosing information on the whereabouts of a party to another party where CSE is aware of an order of protection regarding these parties or where CSE has reason to believe that such disclosure may result in harm to one of the parties.

Section 409.2479(5), F.S., provides that the Department of Children and Families, rather than the Department of Revenue, is authorized to establish, by rule, procedures to implement this section.

CHANGES PROPOSED BY THE BILL

Section 32 clarifies CSE's responsibility to disclose certain information required by federal law. The section provides safeguards to protect information relating to children who are the subject of Title IV-D cases, not just the parties. This change is pursuant to HR 2015(Pub. L. 105-34), which amended the Personal Responsibility and Work Requirement Act of 1996 (Pub. L. 104-193).

The bill provides that the Department of Revenue, rather than Department of Children and Families, is authorized to establish, by rule, procedures to implement this section

Section 33:

PRESENT SITUATION AFFECTED BY THE BILL

Section 414.095(7), F.S., contains a technical error that refers only to temporary cash assistance, rather than public assistance, as defined elsewhere in chapter 414.

WAGES does not contain language specifying which agency has the responsibility to determine whether a parent or caretaker relative seeking public assistance has good cause for failing to cooperate with CSE.

CHANGES PROPOSED BY THE BILL

Section 33 corrects the reference to refer to public assistance.

The bill clarifies and codifies that CSE is the program responsible for determining whether a parent or caretaker relative has good cause for failing to cooperate with CSE.

Section 34:

PRESENT SITUATION AFFECTED BY THE BILL

Section 414.32(1)(a), F.S., currently limits the cooperation requirements for a parent or caretaker relative to assisting CSE in establishing paternity of the subject child.

CHANGES PROPOSED BY THE BILL

Section 34 clarifies that a parent or caretaker relative must cooperate with CSE for all relevant purposes, not just to establish paternity of the subject child.

Section 35:

PRESENT SITUATION AFFECTED BY THE BILL

The section of the Social Security Act cited in section 443.051(3)(b), F.S., was repealed by section 362 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193).

CHANGES PROPOSED BY THE BILL

Section 35 correctly refers to 42 U.S.C. 459.

Section 36:

PRESENT SITUATION AFFECTED BY THE BILL

Federal welfare reform specified specific data the State Employment Security Agency (Department of Labor and Employment Security) had to provide to the National Directory of New Hires. Language from federal welfare reform was incorporated into s. 443.1715, F.S.

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CHANGES PROPOSED BY THE BILL

Section 36 amends the data that the Department of Labor and Employment Security must provide to the National Directory of New Hires. This change is pursuant to HR 2015(Pub. L. 105-34), which amended the Personal Responsibility and Work Requirement Act of 1996 (Pub. L. 104-193).

Section 37:

PRESENT SITUATION AFFECTED BY THE BILL

Current law allows only the Title IV-D agency access to social security numbers recorded on license applications under s 455.213(9), F.S. This impedes the Department of Business and Professional Regulation access that is allowable under other applicable law.

CHANGES PROPOSED BY THE BILL

Section 37 changes s. 455.213(9), F S , to allow the Department of Business and Professional Regulation to have access to social security numbers recorded on professional and occupational licenses.

Section 38:

PRESENT SITUATION AFFECTED BY THE BILL

Under s 741.04, F.S., it appears that a marriage license can be issued only to a person who has a social security number. The statute fails to take into consideration persons with legal alien status or who, for some other reason, have no social security number.

CHANGES PROPOSED BY THE BILL

Section 38 will allow a county court judge or clerk of the circuit court to issue a marriage license under s. 741.04, F.S., to a non-citizen, provided the individual has legal immigration status and an alternative identification number available

Section 39:

PRESENT SITUATION AFFECTED BY THE BILL

Section 742.032, F.S., states that a tribunal may deem state due process requirements for notice and service of process to have been met upon delivery of written notice to a party at the party's most recent residential or employer address filed with the tribunal or State Case Registry.

CHANGES PROPOSED BY THE BILL

Section 39 requires that the court shall deem state due process requirements for notice and service of process to have been met upon delivery of written notice to a party at the party's most recent residential or employer address filed with the tribunal and State

Case Registry. This change is pursuant to HR 2015 (Pub L 105-34), which amended the Personal Responsibility and Work Requirement Act of 1996 (Pub. L 104-193)

Section 40:

PRESENT SITUATION AFFECTED BY THE BILL

Current law does not specify that the local depositories cannot deduct for costs and fees accrued in a judgement by operation of law process, until the total amount of support due to the obligee under the judgement has been paid

CHANGES PROPOSED BY THE BILL

Section 40 requires that the local depositories cannot deduct for costs and fees accrued in a judgment by operation of law process, until the total amount of support due to the obligee under the judgment has been paid.

Section 41:

PRESENT SITUATION AFFECTED BY THE BILL

The term "business day" is not currently defined in chapter 61, F S.

The automated system established pursuant to s. 61.181(2)(b)1., integrating all clerks of court and depositories is not currently named in statute.

The current definition of "depository" in s. 61.046, F.S., does not include any other entity created by special act of the Legislature or other entity established before June 1, 1985, to perform depository functions.

The term "Federal Case Registry" is not currently defined in statute.

The definition of "IV-D" references 42 U.S.C. s. 1302 as the authority for the program. This is an incorrect U.S.C. site.

The current definition of the "State Case Registry" is not consistent with the definition under federal law.

The term "State Disbursement Unit" is not currently defined in statute.

The term "support order" is not currently defined in chapter 61.

CHANGES PROPOSED BY THE BILL

Section 41 provides a number of definitions:

- The term "business day" is defined in chapter 61, F.S , as "any day other than a Saturday, Sunday, or legal holiday "

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- The "Clerk of Court Child Support Collection System" (or CLERC) is defined as the automated system established pursuant to s. 61.181(2)(b)1., integrating all clerks of court and depositories.
- The current definition of "depository" in s. 61.046, F.S., is amended to include any other entity created by special act of the Legislature or other entity established before June 1, 1985, to perform depository functions.
- Defines the "Federal Case Registry" in statute.
- Corrects a U.S.C. site in the definition of "IV-D."
- Amends the definition of the "State Case Registry," to be consistent with the newly created State Case Registry section (s. 61.1825, F.S.) and federal law.
- Defines the "State Disbursement Unit" in statute.
- Defines the term "support order" in chapter 61.

All definitions in s. 61.046, F.S. are renumbered

Section 42:

PRESENT SITUATION AFFECTED BY THE BILL

The depositories are not currently required to participate in the State Disbursement Unit and implement all statutory and contractual duties of the State Disbursement Unit.

The depositories impose and collect a fee on payments made, pursuant to s. 61.181(2)(a). There is no exclusion for payments processed by the State Disbursement Unit.

An increased depository transaction fee was established for the period of July 1, 1992, through June 30, 1999. A percentage of this fee is deposited into the Clerk of the Court Child Support Enforcement Collection System Trust Fund.

This trust fund is required to be used exclusively for the development, implementation, and operation of the automated Child Support Enforcement Collections System. This system is operated by the depositories.

The department's obligation to fund the automation of the depositories is not statutorily limited to the state share of funds available in the Clerk of the Court Child Support Enforcement Collection System Trust Fund.

The department currently has discretion to exempt a depository from compliance with full participation in the automated system established in s. 61.181(2), F.S.

Effective on or after July 1, 1998, the depositories cannot deduct the transaction fee from support payments if the payment does not include the required transaction fee. This requirement pertains to Title IV-D payments and non-Title IV-D payments.

CHANGES PROPOSED BY THE BILL

Section 42 requires the depositories to participate in the State Disbursement Unit and implement all statutory and contractual duties of the State Disbursement Unit. Excludes payments on non-Title IV-D cases without income deduction orders from being processed by the State Disbursement Unit.

The section excludes payments processed by the State Disbursement from the statutory transaction fee charged by the depositories, pursuant to s. 61.181, F S

The section amends the termination date of the increased depository transaction fee from June 30, 1999 to June 30, 2002.

The section amends the statutory use of the funds deposited into the Clerk of the Court Child Support Enforcement Collection System Trust Fund, to include the automation of civil case information necessary for the State Case Registry.

The section limits the department's obligation to fund the automation of the depositories to the state share of funds available in the Clerk of the Court Child Support Enforcement Collection System Trust Fund.

The section removes the department's discretion to exempt a depository from compliance with full participation in the automated system established in s. 61.181(2), F.S.

Effective on or after July 1, 1998, the depositories cannot deduct the transaction fee from support payments on Title IV-D cases, if the payment does not include the required transaction fee. This provision does not pertain to non-Title IV-D cases.

Section 43:

PRESENT SITUATION AFFECTED BY THE BILL

Currently there is no provision in statute for the department to establish and operate a state disbursement unit. There is a reference to this responsibility in section 77 of chapter 97-170, Laws of Florida.

CHANGES PROPOSED BY THE BILL

Section 43 requires the department to establish and operate a State Disbursement Unit. This section outlines the responsibilities and functions of the State Disbursement Unit. Provides procedures for the depositories if an obligor fails to remit payments to the State Disbursement Unit and if an obligor or payor has previously remitted a check that has been returned due to insufficient funds. Requires obligees receiving payments from the State Disbursement Unit to inform the State Disbursement Unit of changes in names and addresses.

Section 44:

PRESENT SITUATION AFFECTED BY THE BILL

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Currently there is no provision in statute for the department to operate and maintain a State Case Registry.

CHANGES PROPOSED BY THE BILL

Section 44 requires the department to operate and maintain a State Case Registry. The department is required to maintain the Title IV-D component of the State Case Registry on the department's child support enforcement automated enforcement system. The section requires that by October 1, 1998, the depositories provide court order extract data on all non-Title IV-D cases to the entity responsible for maintaining the non-Title IV-D component of the State Case Registry. The section provides a list of the required data elements (extract information) required to be reported by the depositories. The section requires the department to transmit required data to the Federal Case Registry of Child Support Orders.

Section 45:

PRESENT SITUATION AFFECTED BY THE BILL

Currently, there are no procurement statutes relating specifically to the State Case Registry and State Disbursement Unit. There is reference in chapter 97-170, Laws of Florida, to procurement issues.

CHANGES PROPOSED BY THE BILL

Section 45 provides a legislative declaration of emergency concerning the procurement of services for the State Disbursement Unit (SDU) and State Case Registry (SCR).

The section directs the department to contract with the Florida Association of Court Clerks (Association) and each depository to perform duties relating to the operation and maintenance of the State Disbursement Unit and the non-Title IV-D component of the State Case Registry.

The section requires the depositories to enter in standard cooperative agreements with the department for participation in the State Disbursement Unit and non-Title-IV-D component of the State Case Registry. Requires that cooperative agreements be uniform and mutually developed by the department and the Association.

The section requires the depositories to enter into a written agreement with the Association within 60 days after the effective date of this section. This agreement will require the depositories to participate fully in the SDU and non-Title -IV-D component of the SCR.

The section requires the Association to enter into a contract with the department within 60 after the effective date of this section. The contract will be mutually developed by the department and the Association. The Association is required to procure all subcontracts, except for contracts with their service corporation, through competitive bidding.

The section provides terms for the contract and cooperative agreements.

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The section requires OPPAGA to conduct comprehensive performance reviews of the State Disbursement Unit and State Case Registry. The reviews must be written and submitted to the Governor, President of the Senate, and the Speaker of the House. Reviews are required as follows: (1) October 1, 1999, pertaining to the State Case Registry; (2) October 1, 2000, pertaining to the State Disbursement Unit; and (3) every two years thereafter beginning on October 1, 2002, pertaining to both the SDU and SCR.

The section provides conditions under which the contract and cooperative agreement with the Association and depositories may be terminated, and if termination occurs, requires the department to procure services from a private vendor through competitive bidding. The conditions under which the contract or cooperative agreements can be terminated are as follows:

- (1) receipt of final notice by the Secretary of HHS or the Secretary's designee that the contractual relationship set out in this section, does not satisfy federal requirements and the state's Title IV-D State Plan will not be approved, or that federal funding will not be made available to fund the SDU or the non-Title IV-D component of the SCR,
- (2) The Association, a depository or any subcontractor fails to comply with any material contractual term or state or federal requirement;
- (3) The non-Title-IV-D component of the SCR is not established and operational, consistent with the terms of the contract, by October 1, 1998; or
- (4) The SDU is not established and operational, consistent with the terms of the contract, by October 1, 1999.

The section relieves the depositories of all responsibilities and duties under chapter 61 relating to Title IV-D payment processing and data collection to the department if any event in (1) above occurs.

The section requires the depositories to participate in the non-Title IV-D component of the SCR and the SDU.

The section requires all transaction fees and interest realized by the SDU be considered and reported as program income pursuant to federal law. Program income must be transmitted to the Title IV-D agency for deposit in the Child Support Enforcement Application and Program Revenue Trust Fund.

The section provides penalties for noncompliance by the depositories

The section provides provisions for withholding payment under the contracts.

Section 46:

PRESENT SITUATION AFFECTED BY THE BILL

Amendments to ss 382.013(1) and (2) pursuant to section 43 of chapter 97-170, Laws of Florida, were placed in a footnote due to subsequent passing of chapter 97-237, Laws of Florida.

CHANGES PROPOSED BY THE BILL

Section 46 repeals ss. 382.013(1) and (2)(b), F.S., as amended by chapter 97-170, Laws of Florida, in order to correct the footnote.

Section 47:

PRESENT SITUATION AFFECTED BY THE BILL

N/A. Effective dates

CHANGES PROPOSED BY THE BILL

Section 47 provides the effective date of this act shall be July 1, 1998, except section 1 of the act shall take effect October 1, 1998

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS

1. Non-recurring Effects:

The Department of Revenue estimates a one-time cost of about \$70,000 for computer conversions and printing costs. There is also a \$7.5 million one-time appropriation for setting up the case registry.

2. Recurring Effects:

The bill provides for the drug testing pilot programs to be implemented from funds in Specific Appropriations 361 and 1892. There is a \$10 million recurring cost anticipated for the case registry.

3. Long Run Effects Other Than Normal Growth:

The bill could result in long-term benefits to society in the form of net savings due to the increased employability of WAGES participants and a reduction in drug-related crime. The amount of such benefits is indeterminable.

4. Total Revenues and Expenditures:

The total expenditures are determined by the appropriations process. The maximum expenditures are estimated to be approximately \$11.5 million per year.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

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2 Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR.

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits.

The department contracts substance abuse treatment programs to private agencies on the local level. This would provide employment opportunities in the private sector.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D FISCAL COMMENTS:

The Department of Children and Families estimates the maximum annual cost to implement the provisions of this bill at \$11.5 million, although the program is designed to make use of a lesser appropriation. In determining the fiscal impact, the following assumptions were made:

- It is estimated that 10.8% of the WAGES population will test positive for substance abuse.
- During 1995-96, there were 46,984 applicants for WAGES. Although this figure is used as a basis of the calculations, it probably represents a significant overestimate of the number of applicants in 1997-98.
- Cost of substance abuse testing is estimated at \$18 per individual.
- The estimated cost of providing substance abuse treatment to adults and children is \$1,950 per person. This cost includes salaries and benefits and all costs associated with treatment. Substance abuse treatment services are contracted to private providers on the local level. The current treatment system cannot accommodate the additional referrals so new contracts would have to be negotiated.
- Costs to child welfare are indeterminable. There would be an indeterminable percentage of the caseloads that would result in referrals for foster care.
- Should individuals challenge the law, there would be legal fees involved. The amount of these fees is indeterminable.

In a report funded by the U.S. Department of Health & Human Services (Gerstein, Johnson & Larison, 1997) it was found that an average alcohol and drug treatment episode lasted about three months, cost about \$1,400, and yielded benefits to taxpayers during and after treatment worth about \$10,000, with the greatest share of benefit deriving from reductions in

the economic burden of crime. The measured benefit to taxpayers exceeded the cost of treatment by 6 to 1 for women with children who did not receive welfare and 2 to 1 for women with children who did receive welfare. Benefits were lower among women than men, and especially among women who were parents or received welfare, principally because women, especially those with children or receiving welfare initially committed less crime than men. Additional benefits could be expected from the reduction in dependency on government cash assistance. Recently published federal regulations provide for the non-medical costs to be funded from the TANF block grant.

References

Gerstein, Dean R., Robert A. Johnson, and Cindy L. Larson, *Alcohol and Other Drug Treatment for Parents and Welfare Recipients: Outcomes, Costs and Benefits*, U S Department of Health and Human Services. 1997.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

This bill was introduced in the 1997 session and did not pass the Legislature. Pursuant to House Rule 96, the bill was carried over to the 1998 session.

The Fourth Amendment to the United States Constitution prohibits the government from illegal searches and seizures. The ultimate determination of a search's reasonableness requires the balancing of the intrusiveness of the search against its promotion of a legitimate government interest. The Department of Children and Families notes that the advantages to requiring recipients testing positive to enter treatment include the contribution of the intended outcome to return welfare recipients to work and identification of children who are at risk of abuse and neglect.

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The Department of Children and Families also notes that the provisions of this bill will have a significant impact on families and the agency. The impact on families results from ensuring that parents or caretaker relatives are drug free while receiving public assistance. The impact on the agency results in referrals to local substance abuse programs. A specialized case management system would have to be implemented to assure coordination among substance abuse providers, Family Safety and Preservation staff, Economic Self-Sufficiency Services staff, district office staff and Department of Labor and Employment Security staff.

The following sections of the bill related to child support enforcement are considered somewhat problematic by the Department of Revenue.

Section 8 & 11: Allows the court to order payment of uncovered medical expenses to be made directly to the payee on a percentage basis. This creates an administrative problem in monitoring and enforcing orders in Title IV-D cases. If payments for these expenses are not processed through CSE, the program is limited in its ability to timely determine that payments are delinquent. Consequently, enforcement actions will also not be as timely. CSE may be facing problems with complying with federal time standards as a result of this provision.

The following statutory provisions may assist in limiting the number of cases in which payments are ordered payable directly to the payee and assist in the CSE program's ability to enforce the payments, although it would add a judicial action to establish the unpaid medical support prior to the enforcement

- Section 61.13(1)(d)5., F.S., gives the IV-D agency, in IV-D cases, the same rights as an obligee in requesting payments be made through the depository.
- Section 409.2561(9), F.S., allows the IV-D agency, in cases in which support is subject to assignment, after providing notice to the parties, to direct the obligor or payor to change the payee to the appropriate depository.

Section 9:

- Exempts temporary orders from the requirement that an income deduction order be entered. Exclusion of temporary orders from the requirement for an income deduction to be ordered is in conflict with federal law. Federal law (42 U.S.C. 666(b)(3)(A)) requires that the income of a noncustodial parent shall be subject to withholding, regardless of whether support payments by such parent are in arrears, in Title IV-D cases, except if one party demonstrates, and the court finds, that there is good cause not to require immediate income withholding, or a written agreement is reached between both parties which provides for an alternative arrangement
- Expands the grounds on which an obligor can contest the enforcement of the income deduction to include the identity of the payor, and the identity of the obligee. The CSE program is unsure how an obligor would contest that an income deduction notice has been issued to the wrong employer. The effect of this provision upon the use of this enforcement tool is unknown.

Section 11: Restricts the establishment of retroactive support to the period of 24 months preceding the filing of the petition. The CSE program is currently the program that establishes, enforces and collects child support for parents receiving public assistance

payments prior to a support order being established. This provision will limit the amount of money the CSE program can recover in some cases.

This provision also could be considered a reward for non-custodial parents who ignore their responsibility to support their children. By limiting retroactive support to 24 months preceding the filing of the petition, non-custodial parents who have fled or evaded service of process would not be responsible for the periods longer than 24 months.

Section 23: Removes references to retroactive support being calculated pursuant to the child support guidelines set forth in s. 61.30, F.S. Section 409.2561(1), F.S., as amended, requires the court in initial determinations on public or former public assistance cases to establish the liability of the obligor, if any, for reimbursement of public assistance moneys paid. The change could be construed to be in conflict with s. 61.30(17), F.S., which requires that in initial determinations of child support, the court may award child support retroactively, and requires the court to apply the guidelines in effect at the time of the hearing.

The establishment and enforcement of retroactive support which is not in accordance with the guidelines is not a federally reimbursable function for a Title IV-D agency. CSE is therefore anticipating the loss of federal reimbursement for these types of cases.

Section 24: Removes the department's ability to collect an administrative fine. Federal law (42 U.S.C. 666(c)) requires that states have a law giving the Title IV-D agency the authority to subpoena any financial or other information needed to establish, modify, or enforce a support order, and to impose penalties for failure to respond to such a subpoena, without the necessity of obtaining an order from any other judicial or administrative tribunal. The requirement that the IV-D agency has to obtain an order from a court to enforce the subpoenas is in direct conflict with federal law.

Section 41: The definition of "business day." Federal law (42 U.S.C. 654B) sets out the requirements for the State Disbursement Unit. The State Disbursement Unit is required to process child support collections within two business days of receipt. Section 42 U.S.C. 654B(c) defines a business day for this requirement as, "a day on which State offices are open for regular business." The definition contained s. 61.046, F.S., as amended, uses the term "legal holiday." Section 683.03, F.S., provides a list of twenty-one different legal holidays. State offices do not currently observe all legal holidays, as listed in the Florida Statutes. This could cause administrative problems, as well as possible noncompliance with federal law in the operation of the State Disbursement Unit.

01/23/97 H Prefiled

01/31/97 H Referred to Children & Family Empowerment (GSC); Health & Human Services Appropriations

03/04/97 H Introduced, referred to Children & Family Empowerment (GSC); Health & Human Services Appropriations -HJ 00063

03/11/97 H On Committee agenda-- Children & Family Empowerment (GSC), 03/17/97, 2:15 pm, 317C --Temporarily deferred

03/18/97 H On Committee agenda-- Children & Family Empowerment (GSC), 03/24/97, 1:00 pm, 317C

03/24/97 H Comm. Action: CS by Children & Family Empowerment (GSC) -HJ 00376

04/01/97 H CS read first time on 04/01/97 -HJ 00372

04/01/97 H Now in Health & Human Services Appropriations -HJ 00376

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04/07/97 H On Committee agenda-- Health & Human Services Appropriations, 04/11/97, 1:00 pm, 317C
04/11/97 H Comm. Action:-CS/CS by Health & Human Services Appropriations -HJ 00596
04/16/97 H CS read first time on 04/16/97 -HJ 00589
04/17/97 H In Government Services Council, pending ranking -HJ 00596
04/17/97 H Placed on Government Services Council Calendar -HJ 00657
04/23/97 H Read second time -HJ 00679
04/28/97 H Read third time -HJ 01085
04/28/97 H Amendment(s) failed -HJ 01085
04/28/97 H CS passed; YEAS 94 NAYS 21 -HJ 01086
04/28/97 S In Messages
04/29/97 S Received, referred to Commerce and Economic Opportunities; Children, Families and Seniors; Ways and Means -SJ 00938
05/02/97 S Upon adjournment in Senate Commerce and Economic Opportunities, Carried over to 1998 Session pursuant to House Rule 96, Placed on House Consent Calendar
03/03/98 H CARRIED OVER
03/03/98 H Pending Consent Calendar
03/04/98 H Objection filed
03/05/98 H In Government Services Council, pending ranking
03/10/98 H Placed on Government Services Council Calendar -HJ 00161
03/17/98 H Read second time -HJ 00190
03/17/98 H Amendment(s) adopted -HJ 00190
03/31/98 H Read third time -HJ 00368
03/31/98 H Amendment pending -HJ 00368
03/31/98 H Pending amendment ruled not in order -HJ 00371
03/31/98 H CS passed as amended, YEAS 82 NAYS 35 -HJ 00372
04/01/98 S In Messages
04/02/98 S Received, referred to Children, Families and Seniors, Commerce and Economic Opportunities; Ways and Means -SJ 00384
04/29/98 S Withdrawn from Children, Families and Seniors; Commerce and Economic Opportunities; Ways and Means -SJ 01194
04/29/98 S Substituted for CS/SB 2172 -SJ 01194
04/29/98 S Read second time -SJ 01194
04/29/98 S Amendment(s) adopted -SJ 01194
04/30/98 S Read third time -SJ 01235
04/30/98 S CS passed as amended; YEAS 39 NAYS 0 -SJ 01235
04/30/98 H In returning messages
04/30/98 H Amendment(s) to Senate amendment(s) adopted -HJ 02006
04/30/98 H Concurred in Senate amendment(s) as amended -HJ 01987
04/30/98 H CS passed as amended; YEAS 100 NAYS 17 -HJ 02006
04/30/98 S In returning messages
05/01/98 S Concurred -SJ 01650
05/01/98 S CS passed as amended; YEAS 39 NAYS 0 -SJ 01650
05/01/98 H Ordered engrossed, then enrolled -HJ 02400
05/15/98 Signed by Officers and presented to Governor
05/31/98 Became Law without Governor's Signature; Chapter No. 98-397

VII AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES.

In 1997 the bill was amended in committee to change the process. The original bill provided for an initial screening of all applicants followed by additional random testing of participants. The terms screening and testing were not defined. The committee substitute limits testing to a random test of applicants. In addition, the committee substitute only allows the department to test when funds are available for treatment.

The bill was amended in the Senate to incorporate the Senate child support enforcement language cited above.

VIII. SIGNATURES:

COMMITTEE ON CHILDREN AND FAMILY EMPOWERMENT:

Prepared by:

Legislative Research Director:

Bob Cox

Bob Barrios

FINAL RESEARCH PREPARED BY COMMITTEE ON CHILDREN AND FAMILY EMPOWERMENT:

Prepared by:

Legislative Research Director:

ROBERT S. COX

ROBERT BARRIOS

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DATE: June 1, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
FAMILY LAW AND CHILDREN
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4771
RELATING TO: Child Support Enforcement
SPONSOR(S): Committee on Family Law and Children and Representative Effman and others
COMPANION BILL(S): SB 2244 (Similar)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) Family Law and Children YEAS 8 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

HB 4771 failed to pass the Legislature. Similar bill, SB 2244, passed as CS/CS/HB 271.
REFER TO CHAPTER # 98-397, Laws of Florida.

II. SUMMARY:

The bill reduces the fee the Department of Revenue (DOR) pays to the Department of Highway Safety and Motor Vehicles for placing a first or subsequent lien on a motor vehicle to a flat \$7.00 and allows the director of the Child Support Enforcement Program to delegate to appropriate staff the authority to place liens on motor vehicles or vessels.

The bill requires, in cases where more than one income deduction order exists and collection is insufficient to satisfy all obligations, that current support is to be given first priority.

The bill eliminates the requirement for the Child Support Enforcement Program to file an Answer to the Complaint to Foreclose but retains the right for the program to participate in the disbursement of funds. The bill also allows DOR to identify persons owing child support who have abandoned property with the Department of Banking and Finance and to request transfer of that property to DOR for payment of child support obligations once the claim has been approved.

The bill requires applicants for recreational licenses to provide the applicant's social security number on the application form. This includes licenses to take wild animal life, game, freshwater aquatic life and fish, and fur-bearing animals.

The bill provides for the establishment and operation of the State Disbursement Unit by October 1, 1999, as required by federal welfare reform.

The bill corrects glitches in HB 2031 and in the WAGES legislation passed by the Florida Legislature in 1997 and amends the state law to include federal technical amendments to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

1. Fee For and Authority to Place Liens

Currently the cost of placing liens on motor vehicles as provided in s. 319.32, Florida Statutes, is \$28.25 for first liens and \$29.25 for subsequent liens. Section 409 2575, Florida Statutes, provides that the director of the child support enforcement program may cause a lien for unpaid and delinquent support to be placed upon motor vehicles and vessels that are registered in the name of an obligor who is delinquent in child support payments, if the title to the property is held by the lienholder and the delinquency exceeds \$600.

Federal law requires the IV-D agency to impose liens on real and personal property for amounts of overdue child support owed by a noncustodial parent who resides in or owns property in the state. Motor vehicles and vessels are considered to be real property. The Department of Revenue Child Support Enforcement Program is required to pay the statutory fee for placing liens on such property.

The current process requires that each request for a lien on a motor vehicle or vessel be sent to the central office in Tallahassee. The legal staff verifies the information on the ownership and loan status of the motor vehicle or vessel, verifies the amount of the noncustodial parent's child support delinquency, obtains locate information, completes the necessary forms and obtains approval from the director.

2. Foreclosure

Currently judgments by operation of law are entered by clerks of court when an obligor becomes delinquent, and fails to pay the delinquency after having been noticed of the delinquency and provided with the opportunity to pay. The recording of the judgment creates a lien on real property owned by the obligor. When an action is brought to foreclose on the real property, the child support enforcement program is made a defendant due to the lien and is required to file an Answer to the Complaint or otherwise respond. The Department of Revenue is not currently required to respond in mortgage foreclosure actions in which the department has a duly filed tax warrant to collect taxes owed.

3. Multiple Income Deduction Orders

Currently when an employer receives more than one notice of income deduction for the same obligor and the total obligations exceed the percentage of deduction allowable according to the Consumer Credit Protection Act, the statutes provide instructions for prorating deductions for each family. Statutory instructions are based on the total support obligation and give equal weight to current support and arrears payments

Federal law requires that if there is more than one income deduction notice for the same obligor, the state must allocate amounts available for withholding with current support being given priority.

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Currently when an employer receives more than one notice of income deduction for the same obligor and the total obligations exceed the percentage of deduction allowable according to the Consumer Credit Protection Act, the statute provides that the court shall allocate amounts available for income deduction among all obligee families. Employers are required to receive allocation instructions from the court when receiving multiple income deduction orders against the same obligor.

4. State Disbursement Unit

Child support payments are currently made directly to the clerks of court or local depositories in each of the 67 counties within the state. Employers with income deduction notices must make payments to the local clerks of court or depositories. On orders enforced by the Department of Revenue Child Support Enforcement Program, the clerks of court or depositories forward those payments to Tallahassee for either distribution to families or retention by the state.

Federal law requires the state child support enforcement agency to operate a centralized, automated unit for collection and disbursement of payments of child support orders enforced by the child support agency and payments on orders issued on or after January 1, 1994, which are not enforced by the state agency but in which payments are made by income deduction. One and only one address must be available for employers to submit payments resulting from income withheld on orders issued on or after January 1, 1994.

The 1997 Legislature passed HB 2031 which required the department to submit to the President of the Senate and the Speaker of the House a draft of an RFP for a State Disbursement Unit by January 2, 1998. This RFP will also be forwarded to the federal authorities for their review and the RFP cannot be released before May 15, 1998.

5. Glitches for HB 2031 and WAGES

There are glitch items for both HB 2031 passed by the 1997 Legislature and WAGES. See chart in Effect of Proposed Changes section.

6. Technical Amendments for Federal Welfare Reform

HR 2014 (Public Law 105-34) and HR 2015 (Public Law 105-33) contain the federal technical amendments for the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (federal welfare reform). Florida statutes do not reflect those current amendments. See chart in Effect of Proposed Changes section.

B. EFFECT OF PROPOSED CHANGES:

1. Fee For and Authority to Place Liens

The Department of Highway Safety and Motor Vehicles has agreed to charge the Department of Revenue Child Support Enforcement Program a flat \$7.00 fee for placing first and subsequent liens on motor vehicles. The \$7.00 is broken down as follows:

- (a) \$4.50 for the title transaction

- (b) \$2.00 for the tax collector
- (c) \$.50 for the branch office tax collector fee

The bill provides for the reduced cost to the child support enforcement program.

The bill allows the director of the child support enforcement program to designate the authority to place liens on motor vehicles or vessels to appropriate staff within the department.

2. Foreclosure

The bill eliminates the requirement that the child support enforcement program must file an Answer to the Complaint to Foreclose or other response in any mortgage foreclosure action in which the department has a duly filed interest under a lien arising from a judgment order, or decree for child support. The department would retain the right to participate in the disbursement of any funds remaining in the registry.

3. Multiple Income Deduction Orders

The bill provides that in cases where there are multiple income deduction orders for the same obligor, current support is given priority over arrearage obligations

The bill also provides that the IV-D agency as well as the courts could serve as a contact for employers needing allocation instructions for obligors with multiple income deduction orders

4. State Disbursement Unit

The bill provides for the establishment and operation of a State Disbursement Unit by October 1, 1999. This will enable employers to send payments on income deduction orders established after January 1, 1994 to a single address as is required by federal statute.

5. Glitches for HB 2031 and WAGES

Present Situation	Effect of Proposed Changes
<p>1. Under the WAGES program the IV-D agency is responsible for determining if an applicant for or recipient of public assistance has good cause not to cooperate with the Child Support Enforcement Program (CSE) WAGES legislation does not indicate that CSE has specific responsibility to determine good cause, except with reference to Food Stamps</p>	<p>1. The bill adds language to Chapter 414, Florida Statutes to establish CSE's responsibility and authority to determine good cause regarding applicants for and recipients of public assistance</p>
<p>2. Current statute provides authority to the Department of Children and Family Services to establish procedures for safeguarding the privacy of IV-D information That authority should rest with the Department of Revenue</p>	<p>2. The bill provides authority to the Department of Revenue to safeguard the privacy of IV-D information</p>

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<p>3. Current statute requires that the disclosure of social security numbers collected pursuant to federal welfare reform be limited to the purpose of the administration of the Title IV-D program for child support enforcement. This restrains the Department of Business and Professional Regulation and other state agencies who have access to the New Hire Reporting data from utilizing social security numbers in order to comply with other federal requirements pertaining to those agencies</p>	<p>3. The bill allows those state agencies who have access to the New Hire Reporting data and the Department of Business and Professional Regulation to use social security numbers collected in order to comply with other federal requirements pertaining specifically to those agencies</p>
<p>4. Federal welfare reform provides the IV-D agency with the authority to subpoena financial or other information needed to establish, modify or enforce a support order and to impose penalties for failure to respond to a subpoena. Language in HB 2031 does not provide the necessary detail contained in s. 120 569, Florida Statutes, for the enforcement of those administrative subpoenas</p>	<p>4. The bill cites s. 120 569, Florida Statutes, to provide the procedure for the enforcement of administrative subpoenas</p>
<p>5. Federal welfare reform requires each party to any paternity or child support proceeding to provide information on location and identity of the party which includes social security number, residential and mailing addresses, telephone number, driver's license number, and name and address of employer. Currently, s. 409 2579, Florida Statutes, does not clearly permit disclosure of this information by the Department of Revenue as required by s. 61 13(9), Florida Statutes.</p>	<p>5. The bill clarifies the language in s. 409 2579, Florida Statutes, to allow the Department of Revenue to provide the identifying and location information to the court as required by s. 61 13(9), Florida Statutes</p>
<p>6. Federal welfare reform requires the IV-D agency to be responsible for determining the cooperation of applicants for or recipients of public assistance. Current statute does not clearly indicate the IV-D agency's authority to determine cooperation in cases other than TANF cases</p>	<p>6. The bill clarifies the authority of child support enforcement to determine cooperation in public assistance cases</p>
<p>7. HB 2031 amended the title of the Child Support Enforcement Application and User Fee Trust Fund to the Child Support Enforcement Application and Program Revenue Trust Fund. Currently, s. 409 2567, Florida Statutes, incorrectly references this trust fund</p>	<p>7. The bill amends current statute to reflect the correct title of the trust fund</p>
<p>8. HB 2031 amended s. 409 2561(1), Florida Statutes, to conform with federal policy concerning the establishment of support amounts for persons receiving public assistance. The statute was not fully amended to reflect this change</p>	<p>8. The bill amends s. 409.2561(1), Florida Statutes, to clarify that payment of public assistance money to, or on behalf of, any dependent child creates an obligation in an amount determined by application of the current child support guidelines in s. 61.30, Florida Statutes, to the applicable period</p>
<p>9. Section 462(e) of the federal welfare reform act was repealed and s. 443 051(3)(b), Florida Statutes, currently references the repealed section.</p>	<p>9. The bill amends s. 443 051(3)(b), Florida Statutes, to reflect the correct reference</p>

6. Technical Amendments for Federal Welfare Reform

Present Situation	Effect of Proposed Changes
<p>1. The IV-D agency is prohibited from releasing information on the location of a party to the other party against whom a protective order with respect to the former party has been entered or if the program has reason to believe that the release of information may result in physical or emotional harm</p>	<p>1. The bill adds information pertaining to the child to the other information that may not be released when a protective order has been issued or the program has reason to believe that the release of information may result in harm.</p>
<p>2. Federal welfare reform required the State Directory of New Hires to furnish the National Directory of New Hires quarterly wage information. The new amendments have changed the data to be transmitted</p>	<p>2. The bill amends current Florida Statutes to eliminate the requirement to provide quarterly wage reports and add the requirement for the state to provide information as specified by the Secretary of Health and Human Services in regulation</p>

3. Currently non-IV-D orders established on or after October 1, 1996, that are delinquent are subject to income deduction without the need for any amendment to the support order or any further action by the court.	3. The bill amends current statute to change October 1, 1996 to October 1, 1994
4. Florida statutes do not currently require that the applicant's Social Security number be recorded on applications for recreational licenses	4. The bill requires the Social Security number of applicants for recreational licenses be recorded on the application
5. Florida statutes currently require the child support enforcement program to respond within 5 business days to a request from another state to enforce a support order	5. The bill removes the 5 business day time frame for a response and requires the child support enforcement program to use high-volume automated administrative enforcement instead.
6. Current Florida law provides for the redirection of support payments in TANF and Medicaid cases where there has been an assignment of rights and notice has been provided to the obligor and obligee	6. The bill provides for the redirection of support payments in IV-E cases as well as TANF and Medicaid cases upon assignment of rights and when notice has been provided to the obligor and obligee.
7. Currently the law provides that the court or administrative agency may deem due process requirements of the state to be met upon delivery of written notice to the most recent residential or employer address filed with the court and the State Case Registry	7. The bill amends may to read shall.
8. Currently unwed mothers and putative fathers must be provided notice concerning the paternity acknowledgment process	8. This bill reflects that the notice concerning the paternity acknowledgment process may be provided through the use of video or audio equipment.

B. APPLICATION OF PRINCIPLES:

1. Less Government

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

The bill provides the Department of Revenue with the authority to promulgate rules to implement the procedures related to child support enforcement created by the bill.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, the federal welfare reform act has created additional responsibilities and requirements for IV-D agencies.

(3) any entitlement to a government service or benefit?

By affecting an increase in child support collections, families should become less dependent on public assistance in the future.

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- b. If an agency or program is eliminated or reduced.

This section is not applicable to this bill.

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

Possibly indirectly, by increasing the amount of child support collections, thus making families less dependent upon public assistance.

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- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Parties seeking child support collection assistance from the department pay \$25 for unlimited use of the department's services.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This section is not applicable to this bill.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

Yes, it strengthens the legal rights of an obligee seeking child support payments from an obligor and also increases enforcement of obligations of obligors.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

No.

- (2) service providers?

No.

- (3) government employees/agencies?

Department of Revenue.

C. STATUTE(S) AFFECTED:

Sections 61.046, 61.13, 61.1301, 61.181, 61.30, 69.041, 319.24, 319.32, 372.561, 372.57, 382.008, 382.013, 409.2557, 409.2561, 409.2564, 409.25641, 409.2567, 409.2572, 409.2575, 409.2576, 409.2578, 409.2579, 414.095, 414.32, 443.051, 443.1715, 455.213, 741.04, 742.032, 743.07, creating sections 61.1824, 61.1825, 61.1826, 61.1827, 409.2558, 409.2559, and 409.25658, and repealing s. 382.013(1) and (2)(b).

D. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 61.13, Florida Statutes, to provide that the court of competent jurisdiction shall deem due process requirements to be met, upon delivery of written notice to the most recent residential or employer address filed with the tribunal and State Case Registry.

The section also provides that each order for child support shall apportion the cost of any noncovered medical, dental, and prescription medication expenses of the child, to both parties by adding the cost to the basic obligation determined pursuant to s. 61.30(6).

Section 2. Amends s. 61.1301, Florida Statutes, to reflect January 1, 1994, as the date in which non-IV-D orders are subject to income deduction if a delinquency exists without the need for any amendment to the support order or any further action by the court. This change makes the date consistent with the date that mandatory income deduction became effective in non-IV-D cases.

Amends s. 61.1301, Florida Statutes, to provide that when there are multiple income deduction orders for the same obligor, the state must allocate amounts available for withholding by giving priority to current support over arrearage obligations.

The section also allows the IV-D agency as well as the court to provide employers with allocation instructions for prorating child support obligations when receiving multiple income deduction orders against the same obligor.

Section 3. Amends s. 61.181, Florida Statutes, to require the Office of Program Policy Analysis and Government Accountability to evaluate the Dade County Child Support Enforcement demonstration project administered by the state attorney for the eleventh judicial circuit and the Manatee County Child Support Enforcement demonstration project administered by the clerk of the circuit court. Findings shall be reported to the Governor, the President of the Senate, and the Speaker of the House of Representatives, no later than January 1, 1999.

Section 4. Amends s. 61.30, Florida Statutes, to remove the option of "a specific finding on the record" as a means for the court to explain a deviation of more than 5% from the child support guideline amount.

The section also requires that any noncovered medical, dental, and prescription medication expenses of the child be added to the basic child support obligation and limits retroactive child support awards to two calendar years.

Section 5. Amends s. 69.041, Florida Statutes, to eliminate the requirement that the child support enforcement program must file an Answer to the Complaint to Foreclose or other response in an action in which the program has an interest under a lien arising from a judgment, order, or decree for child support, while retaining the right to participate in the disbursement of funds remaining in the registry.

Section 6. Amends s. 319.24, Florida Statutes, to allow a designee of the director of the child support enforcement program the authority to place a lien on a motor vehicle or vessel.

Section 7. Amends s. 319.32, Florida Statutes, to provide for the Department of Highway Safety and Motor Vehicles to charge the Department of Revenue Child Support Enforcement Program a flat \$7.00 fee for placing first and subsequent liens on motor vehicles.

Section 8. Amends s. 372.561, Florida Statutes, to require that the applicant's social security number be recorded on applications for recreational licenses, specifically those to take animal life or aquatic life.

Section 9. Amends s. 372.57, Florida Statutes, to require that the applicant's social security number be recorded on applications for recreational licenses, specifically those to take game, freshwater fish, or fur-bearing animals.

Section 10. Amends s. 382.008, Florida Statutes to provide that the decedent's social security number, if available, must be included on a certificate of death. Disclosure of social security numbers obtained through this requirement shall be limited to the

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administration of the Title IV-D program for child support and as otherwise provided by law.

Section 11. Amends s. 382.013, Florida Statutes, to provide that the information regarding registered births shall be used for comparison with information in the state case registry, as defined in chapter 61, Florida Statutes.

The section also provides that notice to an unwed mother or putative father concerning the paternity acknowledgment process may be provided through the use of video or audio equipment.

Section 12. Amends s. 409.2557, Florida Statutes, to provide the Department of Revenue specific rulemaking authority necessary to implement the functions of the Child Support Enforcement Program.

Section 13. Creates s. 409 2558, Florida Statutes, to provide statutory reference to the federal regulations governing the distribution of child support monies in Title IV-D cases, by the child support enforcement program.

Section 14. Creates s. 409.2559, Florida Statutes, to provide for the establishment and operation of a State Disbursement Unit by October 1, 1999 as required by federal statutes

Section 15. Amends s. 409 2561, Florida Statutes, to clarify that payment of public assistance made to, or on behalf of, any dependent child creates an obligation in an amount determined by the application of the current child support guidelines in s. 61 30, Florida Statutes, for the applicable period of time. The state shall retain amounts collected only to the extent necessary to reimburse amounts paid to the family as assistance by the state.

Section 16. Amends s. 409.2564, Florida Statutes, to cite s. 120.569, Florida Statutes, to provide the procedure for the enforcement of administrative subpoenas by the child support agency.

The section also provides for the redirection of support in Title IV-E cases as well as TANF and Medicaid cases upon assignment of rights and notice to the obligor and obligee

Section 17. Amends s. 409.25641, Florida Statutes, to require the child support enforcement program to use automated administrative enforcement in response to a request from another state to enforce a support order. Automated administrative enforcement means the use of automated data processing to search state data bases and determine whether information is available regarding the parent who owes a child support obligation.

Section 18. Creates s. 409.25658, Florida Statutes, to provide for the use of unclaimed property in the possession of the Department of Banking and Finance for past due child support. The section delineates the procedures for the process.

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Section 19. Amends s. 409.2567, Florida Statutes, to reflect the correct title of the Child Support Enforcement Application and Program Revenue Trust Fund and to reflect the correct title of the House Health and Human Services Fiscal Committee.

Section 20. Amends s. 409.2572, Florida Statutes, to establish the responsibility and authority of the child support enforcement program to determine whether an applicant or recipient of public assistance for a dependent child has good cause for failing to cooperate with the Title IV-D agency.

Section 21. Amends s. 409.2575, Florida Statutes, to allow a designee of the director of the child support enforcement program the authority to place a lien on a motor vehicle or vessel.

Section 22. Amends s. 409.2576, Florida Statutes, to allow the Department of Children and Family Services and the Department of Labor and Employment Security who have access to the New Hire Reporting data to utilize social security numbers collected in order to comply with federal requirements specific to those agencies.

Section 23. Amends s. 409.2578, Florida Statutes, to correct a technical error and to correct an incorrect reference to the Child Support Enforcement Application and Program Revenue Trust Fund.

Section 24. Amends s. 409.2579, Florida Statutes, to provide clarifying information that the Department of Revenue must provide identifying and location information on each party to any paternity or child support proceeding to the court as required by s. 61.13, Florida Statutes.

The section provides that information pertaining to the child will not be disclosed to the other party against whom a protective order has been issued or to another person if the program has reason to believe that the release of information may result in physical or emotional harm.

The section also provides rulemaking authority to the Department of Revenue rather than the Department of Children and Family Services to implement this section which safeguards the privacy of IV-D information.

Section 25. Amends s. 414.095, Florida Statutes, to clarify the child support enforcement program's authority to determine good cause in conjunction with determining eligibility for the WAGES Program.

Section 26. Amends s. 414.32, Florida Statutes, to provide that the child support enforcement program has the authority to determine cooperation in public assistance cases.

Section 27. Amends s. 443.051, Florida Statutes, to correct a reference to the Social Security Act

Section 28. Amends s. 443.1715, Florida Statutes, to eliminate the requirement for the state to provide the National Directory of New Hires with quarterly wage reports furnished by the Department of Labor and Employment Security and add the

STORAGE NAME: h4771z.flc

DATE: June 1, 1998

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requirement for the state to provide information as specified by the Secretary of Health and Human Services in regulation.

Section 29. Amends s. 455.213, Florida Statutes, to allow the Department of Business and Professional Regulation to utilize collected social security numbers in order to comply with federal requirements specific to that agency.

Section 30. Amends s. 741.04, Florida Statutes, to provide that for the purposes of applying for a marriage license, when an individual is not a citizen of the United States and does not have a social security number, then alien registration documentation, or other proof of immigration registration from the United States Immigration and Naturalization Service that contains the individual's alien admission number or alien file number, or such other documents as the state determines constitutes reasonable evidence indicating a satisfactory immigration status, shall be provided in lieu of the social security number.

Section 31. Amends s. 742.032, Florida Statutes, to provide that the court **shall** deem due process requirements to be met, upon delivery of written notice to the most recent residential or employer address filed with the tribunal and State Case Registry.

Section 32. Amends s. 743.07, Florida Statutes, to increase from 19 to 20 years of age, the age to which a court may order child support if the person is dependent and is still in high school and performing in good faith

Section 33. Amends s. 61.046, Florida Statutes, to provide definitions for the terms, "business day", "Clerk of Court Child Support Collection System", "Federal Case Registry of Child Support Orders", "State Disbursement Unit", and "support order".

Section 34. Amends s. 61.181, Florida Statutes, to provide that each depository shall participate in the State Disbursement Unit and shall implement all statutory and contractual duties imposed on such unit. Payments on non-Title IV-D cases without income deduction orders shall not be sent to the State Disbursement Unit.

The section also limits the obligation of the Department to fund the automation of the depositories to the state share of funds available in the Clerk of Court Child Support Enforcement Collection System Trust Fund.

Section 35. Creates s. 61.1824, Florida Statutes, to provide for the creation and operation of the State Disbursement Unit. The State Disbursement Unit is required to be responsible for the collection and disbursement of payments for:

- (1) all Title IV-D child support cases enforced by the department; and
- (2) all non-title IV-D child support cases in which the initial support order was issued in this state on or after January 1, 1994, and in which the obligor's child support obligation is being paid through income deduction.

The section also delineates the specific functions of the State Disbursement Unit.

Section 36. Creates s. 61.1825, Florida Statutes, to provide for the operation and maintenance of a State Case Registry pursuant to federal requirements. The section delineates the operation of that registry

Section 37. Creates s. 61. 1826, Florida Statutes, to provide for:

- (3) legislative findings relating to the role of the clerks of court in the child support enforcement process;
- (4) cooperative agreements between the department and the clerks of court;
- (5) written contracts between the department and the clerks of court;
- (6) the terms of the cooperative agreements and contracts between the department and the clerks of court;
- (7) performance reviews of the State Case Registry and State Disbursement Unit to be performed by the Office of Program Policy Analysis and Government Accountability;
- (8) grounds for termination of contracts between the department and the clerks of court; and
- (9) penalties for failure to comply with provisions of this section.

Section 38. Creates s. 61.1827, Florida Statutes, to provide the Department of Revenue with rulemaking authority to administer and enforce the provisions of ss. 61.1824-61.1827.

Section 39. Repeals subsection (1) and paragraph (b) of subsection (2) of section 382.013, Florida Statutes, as amended by chapter 97-170, Laws of Florida (HB 2031).

Section 40. Provides for an effective date of July 1 of the year in which enacted.

IV FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See fiscal comments.

2. Recurring Effects:

See fiscal comments.

3. Long Run Effects Other Than Normal Growth

See fiscal comments.

4. Total Revenues and Expenditures:

See fiscal comments.

B FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

- 1. Non-recurring Effects:
N/A
- 2. Recurring Effects:
N/A
- 3. Long Run Effects Other Than Normal Growth:
N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

- 1. Direct Private Sector Costs:
N/A
- 2. Direct Private Sector Benefits:
N/A
- 3. Effects on Competition, Private Enterprise and Employment Markets:
N/A

D. FISCAL COMMENTS:

Costs to agency to administer the bill:

	Fiscal Year 1998-1999	Fiscal Year 1999-2000
1. Nonrecurring		
Data Processing	\$ 72,000	
2. Recurring		
Expenses	\$ 1,160	\$15,031
3. Total	\$73,160	\$15,031
General Revenue	\$24,874	\$ 5,111
Grants and Donations Trust Fund	\$48,286	\$ 9,920

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES.

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Family Law and Children adopted PCB-03 and 11 amendments at the April 1, 1998, committee meeting.

VIII SIGNATURES:

COMMITTEE ON FAMILY LAW AND CHILDREN:

Prepared by:

Legislative Research Director

Carol E. Preston

Stephanie Olin

FINAL RESEARCH PREPARED BY COMMITTEE ON FAMILY LAW AND CHILDREN:

Prepared by:

Legislative Research Director:

Carol E. Preston

Stephanie Olin

HISTORY OF SENATE BILLS

S 1846 (CONTINUED)

- 03/11/98 SENATE Introduced, referred to Ways and Means Subcommittee E (Finance and Tax), Ways and Means, Commerce and Economic Opportunities, Governmental Reform and Oversight—SJ 00162
- 03/18/98 SENATE Withdrawn from Ways and Means Subcommittee E (Finance and Tax), Ways and Means, Commerce and Economic Opportunities, Governmental Reform and Oversight—SJ 00168, Rereferred to Commerce and Economic Opportunities, Governmental Reform and Oversight, Ways and Means—SJ 00168
- 03/25/98 SENATE On Committee agenda—Commerce and Economic Opportunities, 03/30/98, 2 00 pm, Room—EL
- 03/30/98 SENATE Comm Action CS by Commerce and Economic Opportunities—SJ 00344, CS read first time on 04/01/98—SJ 00349
- 04/01/98 SENATE Now in Governmental Reform and Oversight—SJ 00344
- 04/02/98 SENATE On Committee agenda—Governmental Reform and Oversight, 04/07/98, 2 00 pm, Room—309C
- 04/07/98 SENATE Comm Action CS/CS by Governmental Reform and Oversight—SJ 00425, CS read first time on 04/09/98—SJ 00428
- 04/09/98 SENATE Now in Ways and Means—SJ 00425
- 04/15/98 SENATE Withdrawn from Ways and Means—SJ 00462, Placed on Calendar
- 04/24/98 SENATE Placed on Consent Calendar, Read second time—SJ 00908, Amendment(s) adopted—SJ 00908, House Bill substituted—SJ 00908, Laid on Table, Iden /Sim / Compare Bill(s) passed, refer to CS/HB 3393 (Ch 98—310)

S 1848 GENERAL BILL by Kirkpatrick (Similar H 4191)

- Child Support Guidelines, removes allowance of court-ordered support for other children which is actually paid as deduction from income re child support guidelines, authorizes court to enter order, including variance with child support guidelines re parents who have children living in more than one household, provides for consolidation & joinder of certain cases Amends 61 30 Effective Date Upon becoming law
- 03/03/98 SENATE Filed
- 03/11/98 SENATE Introduced, referred to Judiciary—SJ 00163
- 05/01/98 SENATE Died in Committee on Judiciary

S 1850 GENERAL BILL by Kirkpatrick

- Bright Futures Scholarship Program, allows certain institutions of higher education which are located out of this country or state to qualify as eligible institutions, requires DOE to make reasonable effort to notify certain military personnel about program, provides requirements for institutional eligibility for institutions that are located outside this country or state, specifies requirements for student eligibility Amends 240 40201, 40204, 404 Effective Date 07/01/1998
- 03/03/98 SENATE Filed
- 03/11/98 SENATE Introduced, referred to Education, Ways and Means—SJ 00163
- 05/01/98 SENATE Died in Committee on Education

S 1852 GENERAL BILL/CS by Education; Kirkpatrick (Similar H 4098, Compare 2ND ENG/H 4259)

- Student Grants, provides duties of Education Estimating Conference, authorizes eligibility determination & grant distribution for Fla Public, Private & Postsecondary Student Assistance Grant Programs to be conducted by receiving institution, specifies dollar value range for grant awards Amends 216 136, 240 409, 4095, 4097 Effective Date Upon becoming law except as otherwise provided.
- 03/03/98 SENATE Filed
- 03/11/98 SENATE Introduced, referred to Education, Governmental Reform and Oversight, Ways and Means—SJ 00163
- 04/15/98 SENATE On Committee agenda—Education, 04/20/98, 12 30 pm, Room—A(LL—37)
- 04/20/98 SENATE Comm Action CS by Education—SJ 00813, CS read first time on 04/22/98—SJ 00818
- 04/22/98 SENATE Now in Governmental Reform and Oversight—SJ 00813
- 04/28/98 SENATE Withdrawn from Governmental Reform and Oversight—SJ 00984, Now in Ways and Means
- 05/01/98 SENATE Died in Committee on Ways and Means, Iden/Sum/ Compare Bill(s) passed, refer to HB 4259 (Ch 98—421)

S 1854 GENERAL BILL/CS by Education; Kirkpatrick (Similar H 4189)

- Tuition & Matriculation Fees, authorizes each university president to submit plan to Board of Regents to increase matriculation & tuition fees for specified professional programs, provides limit on such increase, specifies certain contents of plans, provides for retention of revenue, conforms cross-reference Amends 240 235, 4042 Effective Date Contingent
- 03/03/98 SENATE Filed

S 1854 (CONTINUED)

- 03/11/98 SENATE Introduced, referred to Education, Ways and Means—SJ 00163
- 04/15/98 SENATE On Committee agenda—Education, 04/20/98, 12 30 pm, Room—A(LL—37)
- 04/20/98 SENATE Comm Action CS by Education—SJ 00813, CS read first time on 04/22/98—SJ 00818
- 04/22/98 SENATE Now in Ways and Means—SJ 00813
- 05/01/98 SENATE Died in Committee on Ways and Means

S 1856 GENERAL BILL by Holzendorf (Similar H 3653)

- Hill & Tucker Forgiveness Act creates "Anderson C Hill, II, & Karla Faye Tucker Forgiveness Act", provides for mandatory expunction of certain felony offense records upon application to FDLE under specified circumstances when offenses were committed by person under 22 years of age who has not committed any additional felony offenses for at least 6 years, provides exception for capital felonies, life felonies, & felonies of first degree, etc Creates 943 0587 Effective Date Contingent
- 03/03/98 SENATE Filed
- 03/11/98 SENATE Introduced, referred to Criminal Justice, Judiciary, Ways and Means—SJ 00163
- 04/28/98 SENATE Withdrawn from Criminal Justice, Judiciary, Ways and Means—SJ 00984, Withdrawn from further consideration—SJ 00984

S 1858 GENERAL BILL by Holzendorf

- Drug Offenders/Conditional Release, establishes conditional drug offender release program, specifies eligibility criteria, provides for Parole Commission to consider inmates for conditional release program upon recommendation of citizens' advisory committee, requires that probation or community control be substituted under certain circumstances, establishes citizens' advisory committee, etc Creates 947 1491, 1492, amends 947 141, reenacts 947 146(12)(14), 149(5) Effective Date Upon becoming law
- 03/03/98 SENATE Filed
- 03/11/98 SENATE Introduced, referred to Criminal Justice, Governmental Reform and Oversight, Ways and Means—SJ 00163
- 04/09/98 SENATE On Committee agenda—Criminal Justice, 04/14/98, 9 00 am, Room—A(LL—37)—Temporarily postponed
- 04/28/98 SENATE Withdrawn from Criminal Justice, Governmental Reform and Oversight, Ways and Means—SJ 00984, Withdrawn from further consideration—SJ 00984

S 1860 GENERAL BILL by Klein (Similar CS/H 3233)

- Repackaged Raw Meat, Fish, Poultry, prohibits sale, delivery for sale, or offering for sale of repackaged or rewrapped raw meat, fish, or poultry that does not display specified labeling, reenacts provision re penalty for violation of certain provision to incorporate amendment, in reference thereto Amends 500 04, reenacts 500 177(1) Effective Date Contingent
- 03/03/98 SENATE Filed
- 03/11/98 SENATE Introduced, referred to Agriculture—SJ 00163
- 04/01/98 SENATE Also referred to Governmental Reform and Oversight—SJ 00324
- 04/09/98 SENATE On Committee agenda—Agriculture, 04/14/98, 12 30 pm, Room—301C
- 04/14/98 SENATE Comm Action Favorable with 1 amendment(s) by Agriculture—SJ 00478
- 04/15/98 SENATE Now in Governmental Reform and Oversight—SJ 00478, On Committee agenda—Governmental Reform and Oversight, 04/20/98, 12 30 pm, Room—309C—Not considered
- 05/01/98 SENATE Died in Committee on Governmental Reform and Oversight

S 1862 GENERAL BILL by Crist

- Public Officers, requires public officers to pay for all personal transportation expenses, redefines term "gift", repeals certain provision which provides for determining value of transportation for purposes of gift disclosure Amends 112 312; repeals 112 3148(7)(d) Effective Date Upon becoming law
- 03/03/98 SENATE Filed
- 03/11/98 SENATE Introduced, referred to Executive Business, Ethics and Elections, Rules and Calendar—SJ 00163
- 04/01/98 SENATE On Committee agenda—Executive Business, Ethics and Elections, 04/06/98, 10 15 am, Room—309C—Not considered
- 04/15/98 SENATE On Committee agenda—Executive Business, Ethics and Elections, 04/20/98, 3 00 pm, Room—309C
- 04/20/98 SENATE Comm Action Favorable with 1 amendment(s) by Executive Business, Ethics and Elections—SJ 00742
- 04/21/98 SENATE Now in Rules and Calendar—SJ 00742
- 05/01/98 SENATE Died in Committee on Rules and Calendar

S 1864 GENERAL BILL by Klein

- Vessel Warranty Enforcement Act, creates said act, also known as "Vessel Lemon Law", provides for duty of manufacturer to conform vessel to warranty, provides for dispute settlement procedures, provides for dispute eligibility (CONTINUED ON NEXT PAGE)

HISTORY OF HOUSE BILLS

H 4183 (CONTINUED)

03/13/98 HOUSE Filed
 03/17/98 HOUSE Introduced -HJ 00232
 03/23/98 HOUSE Referred to Governmental Operations (GRC), Finance & Taxation (FRC), General Government Appropriations -HJ 00310
 03/27/98 HOUSE On Committee agenda—Finance & Taxation (FRC), 04/02/98, 8 00 am, Morris Hall—Not received
 04/01/98 HOUSE On Committee agenda—Governmental Operations (GRC), 04/07/98, 10 00 am, 413C
 04/07/98 HOUSE Comm Action Unanimously Favorable by Governmental Operations (GRC) -HJ 00469, Now in Finance & Taxation (FRC) -HJ 00469, On Committee agenda—Finance & Taxation (FRC), 04/08/98, 1 00 pm, Morris Hall—Meeting cancelled
 04/08/98 HOUSE On Committee agenda—Finance & Taxation (FRC), 04/14/98, 3 45 pm, Morris Hall
 04/14/98 HOUSE Comm Action Unanimously Favorable with 3 amendment(s) by Finance & Taxation (FRC) -HJ 00690
 04/16/98 HOUSE Now in General Government Appropriations -HJ 00690
 05/01/98 HOUSE Died in Committee on General Government Appropriations

H 4185 GENERAL BILL by Lacasa

Dietetics & Nutrition Practice, revises definitions, revises qualifications for membership on Dietetics & Nutrition Practice Council, provides applicability to current members, revises provisions re filling vacancies, provides for licensure of nutrition counselors by examination, provides requirements therefor & provides for development of examination, provides for temporary permit to practice nutrition counseling, etc Amends 468 503, 506, 51, 511-513, 516 Effective Date Contingent
 03/13/98 HOUSE Filed
 03/17/98 HOUSE Introduced -HJ 00232
 03/26/98 HOUSE Referred to Health Care Services (GSC), Health & Human Services Appropriations -HJ 00380
 04/02/98 HOUSE On Committee agenda—Health Care Services (GSC), 04/08/98, 10 00 am, Morris Hall—Meeting cancelled
 04/08/98 HOUSE On Committee agenda—Health Care Services (GSC), 04/15/98, 1 30 pm, Morris Hall
 04/15/98 HOUSE Comm Action Unfavorable by Health Care Services (GSC), laid on Table -HJ 00691

H 4187 GENERAL BILL by Dawson-White (Identical S 0654)

School Pesticide Safety, provides definitions, requires school pest management plan, requires notification to students, parents, & staff of pesticide application, provides notice requirements, requires school pesticide registry, requires records & reports Creates 232 365 Effective Date 07/01/1998
 03/13/98 HOUSE Filed
 03/17/98 HOUSE Introduced -HJ 00232
 05/01/98 HOUSE Died, reference deferred

H 4189 JOINT RESOLUTION by Starks (Similar H 3203, CS/S 0298, Compare CS/1ST ENG/H 3201, CS/S 0296)

Religious Freedom, constitutional amendment to provide that state may not substantially burden free exercise of religion, even if burden results from rule of general applicability, unless state demonstrates that application of burden is in furtherance of compelling interest & is least-restrictive means of furthering that compelling interest Amends s 3, Art I
 03/13/98 HOUSE Filed
 03/17/98 HOUSE Introduced -HJ 00232
 04/07/98 HOUSE Referred to Civil Justice & Claims (JC), Corrections (JC) -HJ 00463
 05/01/98 HOUSE Died in Committee on Civil Justice & Claims (JC), Iden/Sim/Compare Bill(s) passed, refer to CS/HB 3201 (Ch 98-412)

H 4191 GENERAL BILL by Dockery; Putnam (Similar S 1848)

Child Support Guidelines, removes allowance of court-ordered support for other children which is actually paid as deduction from income re child support guidelines, authorizes court to enter order, including variance with child support guidelines re parents who have children living in more than one household, provides for consolidation & joinder of certain cases Amends 61 30. Effective Date Upon becoming law
 03/13/98 HOUSE Filed
 03/17/98 HOUSE Introduced -HJ 00232
 05/01/98 HOUSE Died, reference deferred

H 4193 GENERAL BILL by Murman; (CO-SPONSORS) Alexander; King; Fassano; Crist (Similar CS/S 2006)

Juvenile/Criminal Offenses, provides that certain adjudications of delinquency are admissible into evidence for impeachment purposes, redefines term "prior record" re specified provisions re sentencing, removes provisions requiring dismissal of petition with prejudice when adjudicatory hearing is not commenced within 90 days, provides for early-intervention boot camp placement of child at least 12 years of age under specified circumstances, etc Amends FS Effective Date Contingent
 03/13/98 HOUSE Filed

H 4195 (CONTINUED)

03/17/98 HOUSE Introduced -HJ 00232
 04/02/98 HOUSE Referred to Juvenile Justice (JC), Criminal Justice Appropriations -HJ 00442, On Committee agenda—Juvenile Justice (JC), 04/08/98, 2 45 pm, 317C—Meeting cancelled
 04/08/98 HOUSE On Committee agenda—Juvenile Justice (JC), 04/14/98, 1 30 pm, 317C
 04/14/98 HOUSE Comm Action Favorable with 8 amendment(s) by Juvenile Justice (JC) -HJ 00690
 04/16/98 HOUSE Now in Criminal Justice Appropriations -HJ 00690
 05/01/98 HOUSE Died in Committee on Criminal Justice Appropriations

H 4195 GENERAL BILL/2ND ENG by Casey (Similar CS/S 0758, Compare 2ND ENG/H 4259)

Postsecondary Education, provides terms of office for members of Board of Regents, revises provisions re selection of Chancellor, deletes restriction on faculty appointment of former university presidents, requires state university & community college student government associations to establish process for removal of certain student government officials, provides requirements, provides for referendum Amends 240 207, 209, creates 240 136 Effective Date Upon becoming law
 03/16/98 HOUSE Filed
 03/17/98 HOUSE Introduced -HJ 00233
 03/23/98 HOUSE Referred to Colleges & Universities (AEC), Governmental Operations (GRC), Education Appropriations -HJ 00310, On Committee agenda—Colleges & Universities (AEC), 03/26/98, 1 30 pm, Morris Hall
 03/26/98 HOUSE Comm Action Unanimously Favorable by Colleges & Universities (AEC) -HJ 00436
 04/01/98 HOUSE Now in Governmental Operations (GRC) -HJ 00436
 04/20/98 HOUSE On Committee agenda—Governmental Operations (GRC), 04/21/98, 8 30 am, 413C—Withdrawn from committee, Withdrawn from Governmental Operations (GRC) -HJ 00698, Now in Education Appropriations
 04/22/98 HOUSE On Committee agenda—Education Appropriations, 04/23/98, 4 30 pm, 102-HOB
 04/23/98 HOUSE Comm Action -Favorable with 1 amendment(s) by Education Appropriations -HJ 01367
 04/24/98 HOUSE Placed on General Calendar -HJ 01367, Read second time -HJ 01237, Amendment(s) adopted -HJ 01237, Amendment(s) reconsidered, adopted -HJ 01237
 04/28/98 HOUSE Read third time -HJ 01527, Amendment(s) adopted -HJ 01527, Passed as amended, YEAS 118 NAYS 0 -HJ 01528
 04/28/98 SENATE In Messages
 05/01/98 SENATE Died in Messages, Iden/Sim/Compare Bill(s) passed, refer to HB 4259 (Ch 98-421)

H 4197 GENERAL BILL by Transportation (EIC), Fuller (Compare H 0195, 2ND ENG/H 4765)

Highway Safety & Motor Vehicles, changes term "accident" to "crash", provides second degree misdemeanor penalty for certain false reports, provides first degree misdemeanor penalty for certain violations re fleeing or attempting to elude law enforcement officer, corrects cross-references, deletes obsolete language, & provides uniform references to penalties for moving & nonmoving noncriminal traffic offenses, etc Amends FS Effective Date Upon becoming law
 03/16/98 HOUSE Filed
 03/17/98 HOUSE Introduced -HJ 00233
 03/23/98 HOUSE Referred to Law Enforcement & Public Safety (JC) -HJ 00310
 03/25/98 HOUSE On Committee agenda—Law Enforcement & Public Safety (JC), 04/01/98, 1 45 pm, 314-HOB
 04/01/98 HOUSE Comm Action -Unanimously Favorable by Law Enforcement & Public Safety (JC) -HJ 00445
 04/02/98 HOUSE Pending Consent Calendar -HJ 00445
 04/07/98 HOUSE Available for Consent Calendar
 04/16/98 HOUSE Placed on Consent Calendar, Read second and third times -HJ 00658, Passed, YEAS 115 NAYS 0 -HJ 00659, Immediately certified -HJ 00677
 04/16/98 SENATE In Messages
 04/21/98 SENATE Received, referred to Transportation -SJ 00751
 05/01/98 SENATE Died in Committee on Transportation

H 4199 GENERAL BILL by Transportation (EIC); Fuller

Transportation Department, corrects cross-references, repeals provisions re school bus stops, welcome stations, certain uncollectible debts owned by local government for utility relocation cost reimbursements, declaration of legislative intent, certain expenditures in Working Capital Trust Fund, & certain audits by Auditor General, deletes obsolete language, & where appropriate, replaces such language with updated text, reenacts certain provisions, etc Amends FS Effective Date Contingent
 03/16/98 HOUSE Filed
 03/17/98 HOUSE Introduced -HJ 00234
 03/23/98 HOUSE In Economic Impact Council, pending ranking -HJ 00310
 03/24/98 HOUSE Placed on Economic Impact Council Calendar -HJ 00337

(CONTINUED ON NEXT PAGE)

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below)

Date: April 21, 1998 Revised: _____

Subject: Orders Establishing Child Support

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Wiehle</u>	<u>Moody</u>	<u>JU</u>	<u>Favorable/CS</u>
2	_____	_____	<u>WM</u>	_____
3	_____	_____	_____	_____
4	_____	_____	_____	_____
5	_____	_____	_____	_____

I. Summary:

The bill contains further legislation to meet initial federal welfare reform requirements, legislation to meet new federal requirements, corrective legislation to address technical problems with WAGES and with 1997 HB 2031, and legislation to address current concerns with child support enforcement unrelated to the prior legislation. Included among the latter category are: a limit on retroactive child support awards to two calendar years; a re-enactment of the requirement for a separate income deduction order, which was deleted in 1997; a requirement that the Office of Program Policy Analysis and Government Accountability evaluate the Dade County Child Support Enforcement demonstration project administered by the state attorney for the eleventh judicial circuit and the Manatee County Child Support Enforcement demonstration project administered by the clerk of the circuit court and report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives, no later than January 1, 1999, creation of a process by which DOR can place a claim against the unclaimed property in the possession of the Department of Banking and Finance for past due child support; a provision that the child support enforcement program is not required to file an Answer to the Complaint to Foreclose or other response in a foreclosure action in which the program has an interest under a lien arising from a judgment, order, or decree for child support in order to retain the right to participate in the disbursement of funds remaining in the registry, and the deletion of the authority of DOR to issue an administrative fine of not more than \$500 for failure to comply with an administrative subpoena for financial information necessary to establish, modify, or enforce a child support order

This bill substantially amends the following sections of the Florida Statutes: 61.13, 61.1301, 61.181, 61.30, 69.041, 319.24, 319.32, 372.561, 372.57, 382.008, 382.013, 409.2557, 409.2561, 409.2564, 409.25641, 409.2567, 409.2572, 409.2575, 409.2576, 409.2578, 409.2579, 414.095, 414.32, 443.051, 443.1715, 455.213, 742.032, and 61.14. It creates the following sections of the

Florida Statutes 409.2558, 409.2559, and 409.25658 It repeals subsection 382.013(1) and paragraph 382.013(2)(b) of the Florida Statutes.

II. Present Situation:

In 1996, welfare reform legislation was enacted at both the federal and state level. At the state level, the Florida Legislature enacted the Work and Gain Economic Self-sufficiency (WAGES) Act, ch 96-175, Laws of Fla. (SB 1662). At the federal level, Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub L No 104-193, 110 Stat. 2105 (1996). Both of these acts contained provisions relating to child support

In response to the federal act, the Florida Legislature significantly amended the statutes on child support, paternity, and the Florida Title IV-D agency, the Department of Revenue (DOR), ch. 97-170, Laws of Fla. (HB 2031). Since that enactment, there have been continued efforts to develop new legislation to satisfy the federal welfare reform requirements relating to child support. Additionally, new welfare reform legislation has been passed containing modifications to the requirements relating to child support.

This bill contains further legislation to meet the initial federal welfare reform requirements, legislation to meet the new federal requirements, corrective legislation to address technical problems with ch 96-175, Laws of Fla. (SB 1662) and ch. 97-170, Laws of Fla. (HB 2031), and legislation to address current concerns with child support enforcement unrelated to the prior legislation.

III. Effect of Proposed Changes:

A. Federal Welfare Reform Requirements

Section 409.2559, F.S., is created to require DOR to establish and operate a state disbursement unit by October 1, 1999, as required by federal statutes

Section 61.181, F.S., provides for the central depositories for receiving, recording, reporting, and disbursing child support and alimony. The current statute requires DOR to contract with the Florida Association of Court Clerks (FACC) to design, establish, operate, upgrade, and maintain the automation of the central depositories. The bill amends this to require that DOR contract with the FACC to design, establish, operate, upgrade, and maintain the state disbursement unit and central case registry required by federal law.

When the existing automated system statute was enacted, the statute included provisions authorizing the depositories to collect a transaction fee on child support payments made through the depositories. The statute was later amended to prohibit the deduction of this fee from any payment made on or after July 1, 1998, that did not include the fee amount. At the same time, the statute was also amended to require that DOR extend participation in the federal child support cost reimbursement program to the central depositories no later than July 1, 1998. In keeping

with the developments with the state disbursement unit and the central case registry, this date is extended to July 1, 1999, in both places in the statute. The prohibition on collecting a fee from a partial payment, a payment not accompanied by the fee amount, will only apply to payments in Title IV-D cases, not to cases in which the child support obligation was not established or is not enforced by DOR. In these private cases, the fee could be deducted from a partial payment

Section 61.1301, F.S., is amended to comply with the revised federal requirement of initiating income deduction upon a delinquency in support without the need for any further action by the court or any modification of the order for all support orders entered in a non-Title IV-D case before *January 1, 1994*, which do not provide for income deduction. This change makes the date consistent with the date that mandatory income deduction became effective in non-IV-D cases

Section 61.1301(4), F.S., is amended to provide that when there are multiple income deduction orders for the same obligor, the state must allocate amounts available for withholding by giving priority to current support over arrearage obligations.

Current s. 61.13, F.S., requires that each party to a paternity or child support proceeding file with the *tribunal* specified location and identification information. In any subsequent Title IV-D child support proceeding, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the *tribunal may* deem state due process requirements for notice and service of process to be met upon delivery of written notice to the most recent residential or employer address filed with the tribunal and State Case Registry. The bill amends the statute to provide that the *court of competent jurisdiction shall* deem due process requirements to be met in such circumstances

Current s. 742.032, F.S., requires that each party to a paternity file with the *tribunal* specified location and identification information. In any subsequent Title IV-D child support proceeding, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the *tribunal may* deem state due process requirements for notice and service of process to be met upon delivery of written notice to the most recent residential or employer address filed with the tribunal and State Case Registry. The bill amends the statute to provide that the *court of competent jurisdiction shall* deem due process requirements to be met in such circumstances to provide that the court *shall* deem due process requirements to be met, upon delivery of written notice to the most recent residential or employer address filed with the tribunal and State Case Registry

Section 409.2579, F.S., is amended to provide that information pertaining to the child will not be disclosed to a party against whom a protective order has been issued or to another person if the program has reason to believe that the release of information may result in physical or emotional harm.

Sections 372.561 and 372.57, F.S., are amended to require that an applicant's social security number be recorded on applications for hunting or fishing licenses.

Section 382.008, F.S., is amended to require that a decedent's social security number, if available, must be included on a certificate of death. Disclosure of social security numbers obtained through this requirement shall be limited to the administration of the Title IV-D program for child support and as otherwise provided by law.

Section 409.25641, F.S., is amended to make technical changes required by new federal law. The bill requires the child support enforcement program to use automated administrative enforcement in response to a request from another state to enforce a support order. Automated administrative enforcement means the use of automated data processing to search state data bases and determine whether information is available regarding the parent who owes a child support obligation.

Section 443.1715, F.S., is amended to enact a federal technical change in the type of information the state is required to provide the National Directory of New Hires.

B. Corrections to WAGES and HB 2031

Section 409.2567, F.S., is amended to correct a cross reference to the recently renamed Child Support Enforcement Application and Program Revenue Trust Fund and to reflect the correct title of the House Health and Human Services Fiscal Committee.

Section 409.2578, F.S., is amended to correct a technical error and to correct an incorrect reference to the Child Support Enforcement Application and Program Revenue Trust Fund.

Section 409.2579, F.S., is amended to authorize DOR to disclose identification and location information as required by s. 61.13(9) or s. 742.032, F.S., for the purposes of administering the Title IV-D program for child support enforcement.

Section 409.2576, F.S., requires that specified information be reported concerning persons who are newly hired within this state, including the person's social security number. Current statute limits the use of the social security number to the purpose of administration of the Title IV-D program. The bill amends the section to clarify that the Department of Children and Family Services and the Department of Labor and Employment Security, who have access to the New Hire Reporting data, may utilize the social security numbers collected in order to comply with federal requirements specific to those agencies.

Current s. 455.213, F.S., requires that applicants for a business or professional license from the Department of Business and Professional Regulation include their social security number on the application. The section provides that the social security numbers are to be used only for the purpose of administration of the Title IV-D child support enforcement program. The bill provides that the Department of Business and Professional Regulation may utilize these social security numbers in order to comply with federal requirements specific to that agency.

Section 409.2579, F.S., is amended to provide rulemaking authority to the Department of Revenue rather than the Department of Children and Family Services to implement this statute, which safeguards the privacy of IV-D information.

Current s 414.32, F.S., requires that a parent or caregiver who receives temporary cash assistance or foodstamps on behalf of a child to cooperate in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child. There is an exemption to this requirement if DOR determines that the person had good cause for failing to cooperate in establishing paternity. It does not mention failure to cooperate in establishing support. The bill amends this section to delete the reference to paternity, thus leaving the good cause exception as a general good cause for failing to cooperate.

Section 414.095, F.S., is amended to provide that the existing condition on eligibility for the WAGES program of cooperation with DOR in establishing the paternity of the child does not apply if DOR determines that the person had good cause for failing to cooperate and to clarify the child support enforcement program's authority to determine good cause in conjunction with determining eligibility for the WAGES Program.

Section 409.2572, F.S., is amended to establish the responsibility and authority of the child support enforcement program to determine whether an applicant or recipient of public assistance for a dependent child has good cause for failing to cooperate with the Title IV-D agency.

Section 382.013, F.S., is amended to provide that information regarding registered births shall be used for comparison with information in the state case registry, as defined in ch. 61, F.S., and to provide that notice to an unwed mother or putative father concerning the paternity acknowledgment process may be provided through the use of video or audio equipment.

The bill repeals subsection (1) and paragraph (b) of subsection (2) of section 382.013, F.S., as amended by chapter 97-170, Laws of Florida (HB 2031). The repealed portions of the statute provide that information regarding registered births shall be used for comparison with information in the state case registry, as defined in ch. 61, F.S., and require institutions in which children are born to give the mother and father of a child born out of wedlock a paternity consent affidavit and specified notice.

Section 61.14, F.S., is amended to provide that a local depository cannot deduct from any child support payment any costs or fees accrued in connection with an automatic judgment by operation of law on unpaid support until the total amount of support payments due the obligee under the judgment has been paid.

Section s 443.051, F.S., is amended to correct a reference to the Social Security Act.

C. Miscellaneous

Section 61.30, F.S., which provides the child support guidelines, is amended to limit retroactive child support awards to two calendar years and to require that any noncovered medical, dental, and prescription medication expenses of the child be added to the basic child support obligation

Section 61.13, F.S., is amended to provide that each order for child support shall apportion the cost of any noncovered medical, dental, and prescription medication expenses of the child, to both parties by adding the cost to the basic obligation determined pursuant to s 61.30(6), F.S.

Section 61.1301, F.S., is amended to reinsert the requirement for a separate income deduction order, which was deleted in 1997

Section 61.181, F.S., is amended to require the Office of Program Policy Analysis and Government Accountability to evaluate the Dade County Child Support Enforcement demonstration project administered by the state attorney for the eleventh judicial circuit and the Manatee County Child Support Enforcement demonstration project administered by the clerk of the circuit court. Findings shall be reported to the Governor, the President of the Senate, and the Speaker of the House of Representatives, no later than January 1, 1999.

Section 409.25658, F.S., is created to provide a process by which DOR can place a claim against the unclaimed property in the possession of the Department of Banking and Finance for past due child support. The section delineates the procedures for the process.

Section 69.041, F.S., is amended to provide that the child support enforcement program is not required to file an Answer to the Complaint to Foreclose or other response in a foreclosure action in which the program has an interest under a lien arising from a judgment, order, or decree for child support in order to retain the right to participate in the disbursement of funds remaining in the registry

Section 61.1301(2)(e)13, F.S., is amended to provide that in Title IV-D cases, the IV-D agency, as well as the court, may provide employers with allocation instructions for prorating child support obligations when receiving multiple income deduction orders against the same obligor

Section 319.24, F.S., provides a method by which the director of the state child support enforcement program may place a second or subsequent lien on a motor vehicle or mobile home. The bill amends this section to allow a designee of the director of the child support enforcement program to do so

Section s 319.32, F.S., provides the fees charged by the Department of Highway Safety and Motor Vehicles concerning issuance of certificates of title to motor vehicles or mobile homes. The section provides a fee of \$28.25 for placing a first lien on these titles and \$29.25 for a subsequent lien. The bill amends the section to provide that the Department of Highway Safety and Motor

Vehicles is to charge the Department of Revenue Child Support Enforcement Program a flat \$7 fee for placing first and subsequent liens on motor vehicles.

Section 409.2575, F.S., is amended to allow a designee of the of the child support enforcement program director, instead of only the director himself, the authority to place a lien on a motor vehicle or vessel.

Section 409 2557, F S , is amended to provide the Department of Revenue rulemaking authority for specific purposes within the Child Support Enforcement Program.

Section 382.013, F.S., is amended to require that, unless and until an application for a new birth record is made under s. 63.152, F.S., pertaining to new birth records pursuant to an adoption, the information on a birth certificate must relate to the child's birth parents.

Section 409 2561, F S., is amended to clarify that the state is to retain amounts of child support collected only to the extent necessary to reimburse amounts paid to the family as assistance by the state

Section 409 2558, F S , is created to provide a statutory reference to the federal regulations governing the distribution of child support monies in Title IV-D cases by the child support enforcement program.

Section 741.04, F.S., is amended to provide that for the purposes of applying for a marriage license, when an individual is not a citizen of the United States and does not have a social security number, an alien registration documentation, or other proof of immigration registration from the United States Immigration and Naturalization Service that contains the individual's alien admission number or alien file number, or such other documents as the state determines constitutes reasonable evidence indicating a satisfactory immigration status, shall be provided in lieu of the social security number.

Section 409.2564, F S , is amended to delete the authority of DOR to issue an administrative fine of not more than \$500 for failure to comply with an administrative subpoena for financial information necessary to establish, modify, or enforce a child support order

D. Effective Date

The bill takes effect July 1, 1998.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues.

None.

B. Private Sector Impact:

The bill increases the number of child support orders that will be enforceable by income deduction by allowing this to occur without the need for modification of the order or other court action. This will increase the amount of child support collected. However, the lack of any oversight by the court could result in the erroneous taking of money from an alleged payor.

C. Government Sector Impact:

It cannot be determined whether the bill would result in decreased judicial workload by allowing income deduction enforcement of child support without the need for modification of the order or other court action.

The bill provides DOR with several enforcement enhancements, including the creation of a process by which DOR can make a claim against unclaimed property in the possession of the Department of Banking and Finance, relieving DOR of the requirement of filing an answer or other responsive pleading in foreclosure actions in order to preserve the right to participate in any proceeds of sale, and allowing district office personnel to place liens on motor vehicles or mobile homes instead of requiring the central office to do so. The economic effect of these enforcement mechanisms is indeterminable.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate

98-384	98/H4655	1	o-PCB	HCJA		
98-384	98/S2492	3	o-PCB		SWAM	
98-385	98/H4657	1	o-PCB	HCJA		
98-385	98/S2516	3	o-PCB		SWAM	
98-386	98/H4659	1	o-PCB	HCJA		
98-386	98/S2490	3	o-PCB		SWAM	
98-387	98/H4661	1	o-PCB	HCJA		
98-387	98/S2408	3	o-PCB		SWAM	
98-388	98/H4663	1	o-PCB	HCJA		
98-388	98/S2496	3	o-PCB		SWAM	
98-388	98/S2522	3	o-PCB		SWAM	
98-388	98/S2246	5	o			
98-389	98/H4713	1	o-PCB	HTRN		
98-389	98/S2242	3	o		STRN	
98-390	98/H4715	1	o-PCB	HGGA		
98-391	98/H4717	1	o-PCB	HGGA		
98-392	98/H4719	1	o-PCB	HGGA		
98-393	98/H4721	1	o-PCB	HGGA		
98-394	98/H4723	1	o-PCB	HGGA		
98-395	98/S1292	1	2e		SCMJ	
98-396	98/S1944	1	2e		SAGR	
98-396	98/H4165	3	1e-PCB	HAGR		m
98-396	98/H4079	6	o-PCB	HAGR		
98-397	98/H0271 ✓	1	97-CS/CS/2e	HCFE		
98-397	98/S2172 ✓	3	CS+a		SCMR	
98-397	98/H4771 ✓	5	1e-PCB	HFLC		PCB 300
98-397	98/S2244 ✓	5	CS		SJUD	
98-397	98/H1957 ✓	6	97-2e			HCFE?
98-398	98/H3065	1	CS/1e	HGOP		
98-398	98/S0752	1	CS/1e		SEDU	
98-398	98/S0178	3	CS		STRN	
98-398	98/H3337	6	CS/1e	HTRN		x
98-398	98/H4159	6	1e-PCB	HCUN		x
98-398	98/H4367	6	o			
98-398	98/S1322	6	CS		SGRO	
98-399	98/H4047	1	CS/1e	HFIS		
98-399	98/S1416	3	o+1a		SBAI	
98-400	98/H4283	1	CS/1e	HEAL		
98-400	98/S2342	3	CS		SGRO	
98-400	98/H4277	6	1e	HEAL		
98-400	98/S2344	6	o			

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House 0271: Relating to Public Assistance/Drug Testing

H 271 GENERAL BILL/CS/CS/2ND ENG by Health & Human Services Appropriations; Children & Family Empowerment (GSC); Arnall; (CO-SPONSORS) Fasano; Sanderson; Albright; Feeney; Wise; Morroni; Byrd; Lacasa; Bainter; Thrasher; Bitner; Ziebarth; Culp; Boyd; Wallace; Heyman (Similar 1ST ENG/H 4771, CS/S 2244, Compare 2ND ENG/H 1957, CS/S 2172)

Child Support Enforcement: provides demonstration projects to be implemented which require drug screening & possibly drug testing for certain individuals; authorizes DOR participation in mortgage foreclosures based upon interests in child support lien; provides for certain use of birth registration info; provides certain notice re paternity affidavits; provides for processing of certain central depository payments through DOR's State Disbursement Unit, etc. Amends FS. EFFECTIVE DATE: 07/01/1998 except as otherwise provided.

01/23/97 HOUSE Prefiled

01/31/97 HOUSE Referred to Children & Family Empowerment (GSC); Health & Human Services Appropriations

03/04/97 HOUSE Introduced, referred to Children & Family Empowerment (GSC); Health & Human Services Appropriations -HJ 00063

03/11/97 HOUSE On Committee agenda-- Children & Family Empowerment (GSC), 03/17/97, 2:15 pm, 317C --Temporarily deferred

03/18/97 HOUSE On Committee agenda-- Children & Family Empowerment (GSC), 03/24/97, 1:00 pm, 317C

03/24/97 HOUSE Comm. Action: CS by Children & Family Empowerment (GSC) -HJ 00376

04/01/97 HOUSE CS read first time on 04/01/97 -HJ 00372; Now in Health & Human Services Appropriations -HJ 00376

04/07/97 HOUSE On Committee agenda-- Health & Human Services Appropriations, 04/11/97, 1:00 pm, 317C

04/11/97 HOUSE Comm. Action:-CS/CS by Health & Human Services Appropriations -HJ 00596

04/16/97 HOUSE CS read first time on 04/16/97 -HJ 00589

04/17/97 HOUSE In Government Services Council, pending ranking -HJ 00596; Placed on Government Services Council Calendar -HJ 00657

04/23/97 HOUSE Read second time -HJ 00679

✓ 04/28/97 HOUSE Read third time -HJ 01085; Amendment(s) failed -HJ 01085; CS passed; YEAS 94 NAYS 21 -HJ 01086

04/28/97 SENATE In Messages

04/29/97 SENATE Received, referred to Commerce and Economic Opportunities; Children, Families and Seniors; Ways and Means -SJ 00938

05/02/97 SENATE Upon adjournment in Senate Commerce and Economic Opportunities, Carried over to 1998 Session pursuant to House Rule 96, Placed on House Consent Calendar

03/03/98 HOUSE CARRIED OVER; Pending Consent Calendar

03/04/98 HOUSE Objection filed

03/05/98 HOUSE In Government Services Council, pending ranking

03/10/98 HOUSE Placed on Government Services Council Calendar -HJ 00161

03/17/98 HOUSE Read second time -HJ 00190; Amendment(s) adopted -HJ 00190

03/31/98 HOUSE Read third time -HJ 00368; Amendment pending -HJ 00368;
 Pending amendment ruled not in order -HJ 00371; CS passed as amended; YEAS 82 NAYS 35 -HJ 00372

04/01/98 SENATE In Messages

04/02/98 SENATE Received, referred to Children, Families and Seniors; Commerce and Economic Opportunities; Ways and Means -SJ 00384

04/29/98 SENATE Withdrawn from Children, Families and Seniors; Commerce and Economic Opportunities; Ways and Means -SJ 01194; Substituted for CS/SB 2172 -SJ 01194; Read second time -SJ 01194; Amendment(s) adopted -SJ 01194

04/30/98 SENATE Read third time -SJ 01235; CS passed as amended; YEAS 39 NAYS 0 -SJ 01235

04/30/98 HOUSE In returning messages; Amendment(s) to Senate amendment(s) adopted -HJ 02006; Concurred in Senate amendment(s) as amended -HJ 01987; CS passed as amended; YEAS 100 NAYS 17 -HJ 02006

04/30/98 SENATE In returning messages

05/01/98 SENATE Concurred -SJ 01650; CS passed as amended; YEAS 39 NAYS 0 -SJ 01650

05/01/98 HOUSE Ordered engrossed, then enrolled -HJ 02400

05/15/98 Signed by Officers and presented to Governor

05/31/98 Became Law without Governor's Signature; Chapter No. 98-397

Bill Text: (Top)

Bill Name	Date Posted	Available Formats
H 0271	08/28/2000	Web Page PDF
H 0271C1	08/28/2000	Web Page PDF
H 0271C2	08/28/2000	Web Page PDF
H 0271E1	08/28/2000	Web Page PDF
H 0271E2	08/28/2000	Web Page PDF
H 0271ER	08/28/2000	Web Page PDF

Amendments: (Top)

H 0271:

Amendment ID	Date Posted	Available Formats
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H 0271C1:

Amendment ID	Date Posted	Available Formats
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H 0271C2:

Amendment ID	Date Posted	Available Formats
181851	03/30/1998	Web Page PDF <i>Commissioner 3/17/98</i>
775763	03/20/1998	Web Page PDF <i>revisions 9/10/97</i>

H 0271E1:

Amendment ID	Date Posted	Available Formats
064122 <i>Form...</i>	05/08/1998 <i>4/20/98</i>	Web Page PDF
155452	04/29/1998	Web Page PDF <i>D... A -> 06/7/22</i>
541218	04/29/1998	Web Page PDF <i>H... F</i>
712342	04/29/1998	Web Page PDF <i>D... F</i>
773828	05/11/1998 <i>4/20/98</i>	Web Page PDF <i>H... F</i>

H 0271E2:

Amendment ID	Date Posted	Available Formats
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H 0271ER:
 Amendment ID Date Posted Available Formats

Bill Analysis: (Top)

Analysis ID	Sponsor	Available Formats
H 0271S1 -CS	CFE	PDF 3/2/98
H 0271SB1	CFE	PDF 3/2/98 (2-P)
H 0271A -CS	CFE	PDF 3/2/98
H 0271 -C	CFE	PDF 3/2/98
H 0271S2Y 1st 10	CFE	PDF 3/2/98
H 0271SB2Y	CFE	PDF 3/2/98 (2-P)
H 0271 order	House Message Summary	PDF 4/30/98 - CS
H 0271	House Message Summary	PDF 4/30/98 - CS

Vote History: (Top)

Chamber	Roll Call	Vote Date	Available Formats
HOUSE	0006	03/31/98	Web Page
HOUSE	0007	04/28/97	Web Page
HOUSE	0064	04/30/98	Web Page
SENATE	0004	04/30/98	Web Page
SENATE	0047	05/01/98	Web Page

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STATUTE CITATIONS:(Top)

- 0061.046
- 0061.13
- 0061.1301
- 0061.14
- 0061.181
- 0061.1824
- 0061.1825
- 0061.1826
- 0061.30
- 0069.041
- 0319.24
- 0319.32
- 0372.561
- 0372.57
- 0372.574
- 0382.008
- 0382.013
- 0409.2552
- 0409.2558
- 0409.2559
- 0409.2561
- 0409.2564
- 0409.25641
- 0409.25658
- 0409.2567
- 0409.2572
- 0409.2575

H0271HJ 42349, PLE

From HJ 1135 - 1137 ✓

From HJ 031798 H0271HJ 310312 ✓

From HJ 031798, PDF 4/30/98 1135 - 1137 ✓

From HJ 031798, PDF 4/30/98 1195 - 1212 ✓

From HJ 031798, PDF 4/30/98 1255 H0271HJ 43093 PDF ✓

From HJ 031798, PDF 4/30/98 1935 - 2106 ✓

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House 4771: Relating to Child Support Enforcement

H 4771 GENERAL BILL/1ST ENG by Family Law & Children (JC); Effman; Lynn; (CO-SPONSORS) Sindler; Wise; Andrews; Harrington; Brown; Frankel; Sanderson; Chestnut; Albright (Similar CS/CS/2ND ENG/H 0271, CS/S 2244)

Child Support Enforcement; requires child support orders to apportion certain medical expenses; revises provisions re income deduction orders & notices; authorizes DOR participation in mortgage foreclosures based upon interests in child support lien; provides for certain use of birth registration information; provides certain notice re paternity affidavits; provides for processing of certain central depository payments through DOR's State Disbursement Unit, etc. Amends FS.

EFFECTIVE DATE: Contingent.

04/13/98 HOUSE Filed; Introduced -HJ 00552

04/20/98 HOUSE Referred to General Government Appropriations -HJ 00739

04/21/98 HOUSE Withdrawn from General Government Appropriations -HJ 00747;

In Justice Council, pending ranking

04/24/98 HOUSE Placed on General Calendar; Read second time -HJ 01354;

Amendment(s) adopted -HJ 01355

04/28/98 HOUSE Read third time -HJ 01545; Passed as amended; YEAS 119

NAYS 0 -HJ 01546

04/28/98 SENATE In Messages

05/01/98 SENATE Died in Messages, Iden./Sim./Compare Bill(s) passed, refer to CS/CS/HB 271 (Ch. 98-397)

Bill Text: (Top)

Bill Name	Date Posted	Available Formats
H 4771	08/28/2000	Web Page PDF
H 4771E1	08/28/2000	Web Page PDF

Amendments: (Top)

H 4771:

Amendment ID	Date Posted	Available Formats
034001	04/23/1998	Web Page PDF Lynn
042629	04/23/1998	Web Page Lynn
050949	04/23/1998	Web Page "
954407	04/23/1998	Web Page "

H 4771E1:

Amendment ID	Date Posted	Available Formats
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Bill Analysis: (Top)

Handwritten notes:
 F... 034001 - 3
 050949 - 1341
 2, 3 - 269

Analysis ID	Sponsor	Available Formats
H 4771	<i>7/13/98</i> Family Law & Children	PDF
H 4771Z	<i>6/1/93</i> Family Law & Children	PDF

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Chamber	Roll Call	Vote Date	Available Formats
HOUSE	0166	04/28/98	Web Page

Citations: (Top)

STATUTE CITATIONS.(Top)

- 0061.046
- 0061.13
- 0061.1301
- 0061.181
- 0061.1824
- 0061.1825
- 0061.1826
- 0061.1827
- 0061.30
- ~~0069.041~~
- 0319.24
- 0319.32
- 0372.561
- 0372.57
- ~~0382.008~~
- ~~0382.013~~
- 0409.2557
- 0409.2558
- 0409.2559
- 0409.2561
- ~~0409.2564~~
- 0409.25641
- 0409.25658
- 0409.2567
- 0409.2572
- ~~0409.2575~~
- 0409.2576
- 0409.2578
- ~~0409.2579~~
- 0414.095
- 0414.32
- 0443.051
- 0443.1715
- 0455.213
- 0741.04
- 0742.032
- 0743.07

CONSTITUTION CITATIONS:

NO CONSTITUTION CITATIONS FOUND FOR REQUESTED BILL.

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House 1957: Relating to Public Records/WAGES Program

H 1957 GENERAL BILL/2ND ENG by Arnall (Compare CS/CS/2ND ENG/H 0271, CS/S 2172)

Public Records/WAGES Program; provides exemption from public records requirements for identifying information re drug screening, testing, or treatment of applicants for or recipients of WAGES Program assistance or services; provides for future review & repeal; provides finding of public necessity; takes effect on same date as HB 271 or similar legislation if such legislation is adopted in same legislative session or extension thereof. EFFECTIVE DATE: Contingent.

04/08/97 HOUSE Filed

04/09/97 HOUSE Introduced -HJ 00482

04/14/97 HOUSE Referred to Governmental Operations (GRC) -HJ 00559

04/25/97 HOUSE Withdrawn from Governmental Operations (GRC) -HJ 00879; Placed on General Calendar -HJ 00879; Read second time -HJ 01007; Amendment(s) adopted -HJ 01007

04/29/97 HOUSE Read third time -HJ 01175; Passed as amended; YEAS 111 NAYS 3 -HJ 01175

04/29/97 SENATE In Messages

04/30/97 SENATE Received, referred to Commerce and Economic Opportunities; Children, Families and Seniors -SJ 01102

05/02/97 SENATE Upon adjournment in Senate Commerce and Economic Opportunities, Carried over to 1998 Session pursuant to House Rule 96, Placed on House Consent Calendar

03/03/98 HOUSE CARRIED OVER; Pending Consent Calendar

03/04/98 HOUSE Objection filed

03/05/98 HOUSE In Governmental Responsibility Council, pending ranking

03/18/98 HOUSE Placed on Governmental Responsibility Council Calendar -HJ 00258

04/01/98 HOUSE Read second time -HJ 00401; Amendment(s) adopted -HJ 00401

04/13/98 HOUSE Read third time -HJ 00529; Passed as amended; YEAS 91 NAYS 18 -HJ 00529

04/14/98 SENATE In Messages

04/16/98 SENATE Received, referred to Children, Families and Seniors; Governmental Reform and Oversight -SJ 00504

05/01/98 SENATE Died in Committee on Children, Families and Seniors, Iden./Sim./Compare Bill(s) passed, refer to CS/CS/HB 271 (Ch. 98-397)

HJ-1997, PDF
4/25/97
1007-1023
P.F. 1062-1065

HJ07018, PDF
4/1/98 201-402
11-12

Bill Text: (Top)

Bill Name	Date Posted	Available Formats
H 1957	08/28/2000	Web Page PDF
H 1957E1	08/28/2000	Web Page PDF
H 1957E2	08/28/2000	Web Page PDF

Amendments: (Top)

H 1957:
Amendment ID Date Posted Available Formats

H 1957E1:
Amendment ID Date Posted Available Formats
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H 1957E2:
Amendment ID Date Posted Available Formats

Bill Analysis: (Top)

No Bill Analysis Available

Vote History: (Top)

Chamber	Roll Call	Vote Date	Available Formats
HOUSE	0003	04/13/98	Web Page
HOUSE	0029	04/29/97	Web Page

Citations: (Top)

STATUTE CITATIONS:(Top)

0414.1035

CONSTITUTION CITATIONS:

NO CONSTITUTION CITATIONS FOUND FOR REQUESTED BILL.

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