

Fiscal Year 2024-2025 Conforming Bill  
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A bill to be entitled  
An act relating to the Department of Revenue Delivery  
of Notice; amending s. 213.67, F.S., allowing delivery  
of a notice of levy to levy by regular mail; amending  
ss. 61.1301 and 409.2574, F.S.; providing for the use  
of regular mail relating to income deduction orders in  
alimony or child support cases; providing for the use  
of regular mail relating to income deduction  
enforcement in Title IV-D cases; amending ss. 409.256  
and 409.2563, F.S.; revising serving notice  
requirements for genetic testing; revising serving  
notice requirements for establishing administrative  
support orders; amending s. 409.25656, F.S.; revising  
serving notice requirements for notice of levy issued;  
amending s. 409.2567(1), F.S., allowing the Department  
of Revenue to pay the annual fee related to child  
support for certain individuals as required under 42  
U.S.C. s. 654(6) (B); providing an effective date.

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

Section 1. Subsections (1) and (3) of section 213.67,  
Florida Statutes are amended to read:

213.67 Garnishment.-

(1) If a person is delinquent in the payment of any taxes,

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26 penalties, and interest owed to the department, the executive  
27 director or his designee may give notice of the amount of such  
28 delinquency by regular ~~registered~~ mail, by personal service, or  
29 by electronic means, including but not limited to facsimile  
30 transmissions, electronic data interchange, or use of the  
31 Internet, to all persons having possession or under their control  
32 any credits or personal property, exclusive of wages, belonging  
33 to the delinquent taxpayer, or owing any debts to such  
34 delinquent taxpayer at the time of receipt by them of such  
35 notice. Thereafter, any person who has been notified may not  
36 transfer or make any other disposition of such credits, other  
37 personal property, or debts until the executive director or his  
38 or her designee consents to the transfer or disposition or until  
39 60 days after the receipt of such notice. However, the credits,  
40 other personal property, or debts that exceed the delinquent  
41 amount stipulated in the notice are not subject to this section,  
42 wherever held, if the taxpayer does not have a prior history of  
43 tax delinquencies. If during the effective period of the notice  
44 to withhold, any person so notified makes any transfer or  
45 disposition of the property or debts required to be withheld  
46 under this section, he or she is liable to the state for any  
47 indebtedness owed to the department by the person with respect to  
48 whose obligation the notice was given to the extent of the value  
49 of the property or the amount of the debts thus transferred or  
50 paid if, solely by reason of such transfer or disposition, the

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state is unable to recover the indebtedness of the person with respect to whose obligation the notice was given. If the delinquent taxpayer contests the intended levy in circuit court or under Chapter 120, the notice under this section remains effective until that final resolution of the contest. Any financial institution receiving such notice will maintain a right of setoff for any transaction involving a debit card occurring on or before the date of receipt of such notice.

(3) During the last 30 days of the 60-day period set forth in subsection (1), the executive director or his or her designee may levy upon such credits, other personal property, or debts. The levy must be accomplished by delivery of a notice of levy by regular registered mail, by personal service, or by electronic means, including by facsimile transmission or electronic data exchange. Upon receipt of the notice of levy, which the person possessing the credits, other personal property, or debts shall transfer them to the department or pay to the department the amount owed to the delinquent taxpayer.

Section 2. Subsections (1), (2), and (3) of section 61.1301, Florida Statutes, are amended to read:

61.1301 Income deduction orders.—

(1) ISSUANCE IN CONJUNCTION WITH AN ORDER ESTABLISHING, ENFORCING, OR MODIFYING AN OBLIGATION FOR ALIMONY OR CHILD SUPPORT.—

(a) Upon the entry of an order establishing, enforcing, or

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76 modifying an obligation for alimony, for child support, or for  
77 alimony and child support, other than a temporary order, the  
78 court shall enter a separate order for income deduction if one  
79 has not been entered. Upon the entry of a temporary order  
80 establishing support or the entry of a temporary order enforcing  
81 or modifying a temporary order of support, the court may enter a  
82 separate order of income deduction. Copies of the orders shall  
83 be furnished to ~~served on~~ the obligee and obligor by regular  
84 mail. If the order establishing, enforcing, or modifying the  
85 obligation directs that payments be made through the depository,  
86 the court shall provide to the depository a copy of the order  
87 establishing, enforcing, or modifying the obligation. If the  
88 obligee is a recipient of Title IV-D services, the court shall  
89 furnish to the Title IV-D agency a copy of the income deduction  
90 order and the order establishing, enforcing, or modifying the  
91 obligation.

92 1. In Title IV-D cases, the Title IV-D agency may implement  
93 income deduction after receiving a copy of an order from the  
94 court under this paragraph or a forwarding agency under UIFSA,  
95 URESA, or RURESА by issuing an income deduction notice to the  
96 payor.

97 2. The income deduction notice must state that it is based  
98 upon a valid support order and that it contains an income  
99 deduction requirement or upon a separate income deduction order.  
100 The income deduction notice must contain the notice to payor

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provisions specified by paragraph (2) (e). The income deduction notice must contain the following information from the income deduction order upon which the notice is based: the case number, the court that entered the order, and the date entered.

3. Payors shall deduct support payments from income, as specified in the income deduction notice, in the manner provided under paragraph (2) (e).

4. 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. In Title IV-D cases, upon request of a payor, the Title IV-D agency shall furnish the payor a copy of the income deduction order.

5. If a support order entered before January 1, 1994, in a non-Title IV-D case does not specify income deduction, income deduction may be initiated upon a delinquency without the need for any amendment to the support order or any further action by the court. In such case the obligee may implement income deduction by serving a notice of delinquency on the obligor as provided for under paragraph (f).

(b) The income deduction order shall:

1. Direct a payor to deduct from all income due and payable to an obligor the amount required by the court to meet the obligor's support obligation including any attorney's fees or costs owed and forward the deducted amount pursuant to the order.

2. State the amount of arrearage owed, if any, and direct a

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payor to withhold an additional 20 percent or more of the periodic amount specified in the order establishing, enforcing, or modifying the obligation, until full payment is made of any arrearage, attorney's fees and costs owed, provided no deduction shall be applied to attorney's fees and costs until the full amount of any arrearage is paid.

3. Provide that if a delinquency accrues after the order establishing, modifying, or enforcing the obligation has been entered and there is no order for repayment of the delinquency or a preexisting arrearage, a payor shall deduct an additional 20 percent of the current support obligation or other amount agreed to by the parties until the delinquency and any attorney's fees and costs are paid in full. No deduction may be applied to attorney's fees and costs until the delinquency is paid in full.

4. Direct a payor not to deduct in excess of the amounts allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended.

5. Direct whether a payor shall deduct all, a specified portion, or no income which is paid in the form of a bonus or other similar one-time payment, up to the amount of arrearage reported in the income deduction notice or the remaining balance thereof, and forward the payment to the governmental depository. For purposes of this subparagraph, bonus" means a payment in addition to an obligor's usual compensation and which is in addition to any amounts contracted for or otherwise legally due

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and shall not include any commission payments due an obligor.

6. In Title IV-D cases, direct a payor to provide to the court depository the date on which each deduction is made.

7. In Title IV-D cases, if an obligation to pay current support is reduced or terminated due to emancipation of a child and the obligor owes an arrearage, retroactive support, delinquency, or costs, direct the payor to continue the income deduction at the rate in effect immediately prior to emancipation until all arrearages, retroactive support, delinquencies, and costs are paid in full or until the amount of withholding is modified.

8. Direct that, ~~at such time as the State Disbursement Unit becomes operational,~~ all payments in those cases in which the obligee is receiving Title IV-D services and in those cases in which the obligee is not receiving Title IV-D services 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, be made payable to and delivered to the State Disbursement Unit. Notwithstanding any other statutory provision to the contrary, funds received by the State Disbursement Unit shall be held, administered, and disbursed by the State Disbursement Unit pursuant to the provisions of this chapter.

(c) The income deduction order is effective immediately unless the court upon good cause shown finds that the income

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deduction order shall be effective upon a delinquency in an amount specified by the court but not to exceed 1 month's payment, pursuant to the order establishing, enforcing, or modifying the obligation. In order to find good cause, the court must at a minimum make written findings that:

1. Explain why implementing immediate income deduction would not be in the child's best interest;

2. There is proof of timely payment of the previously ordered obligation without an income deduction order in cases of modification; and

3. a. There is an agreement by the obligor to advise the IV-D agency and court depository of any change in payor and health insurance; or

b. There is a signed written agreement providing an alternative arrangement between the obligor and the obligee and, at the option of the IV-D agency, by the IV-D agency in IV-D cases in which there is an assignment of support rights to the state, reviewed and entered in the record by the court.

(d) The income deduction order shall be effective as long as the order upon which it is based is effective or until further order of the court. Notwithstanding the foregoing, however, ~~at such time as the State Disbursement Unit becomes operational,~~ in those cases in which the obligee is receiving Title IV-D services and in those cases in which the obligee is not receiving Title IV-D services in which the initial support order was issued in



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201 this state on or after January 1, 1994, and in which the obligor'  
202 s child support obligation is being paid through income  
203 deduction, such payments shall be made payable to and delivered  
204 to the State Disbursement Unit.

205 (e) When the court orders the income deduction to be  
206 effective immediately, the court shall furnish to the obligor a  
207 statement of his or her rights, remedies, and duties in regard to  
208 the income deduction order. The statement shall state:

209 1. All fees or interest which shall be imposed.

210 2. The total amount of income to be deducted for each pay  
211 period until the arrearage, if any, is paid in full and shall  
212 state the total amount of income to be deducted for each pay  
213 period thereafter. The amounts deducted may not be in excess of  
214 that allowed under s. 303(b) of the Consumer Credit Protection  
215 Act, 15 U.S.C. s. 1673(b), as amended.

216 3. That the income deduction order applies to current and  
217 subsequent payors and periods of employment.

218 4. That a copy of the income deduction order or, in Title  
219 IV-D cases, the income deduction notice will be provided to  
220 ~~served on~~ the obligor's payor or payors by regular mail.

221 5. That enforcement of the income deduction order may only  
222 be contested on the ground of mistake of fact regarding the  
223 amount owed pursuant to the order establishing, enforcing, or  
224 modifying the obligation, the arrearages, or the identity of the  
225 obligor, the payor, or the obligee.

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226           6. That the obligor is required to notify the obligee and,  
227 when the obligee is receiving IV-D services, the IV-D agency  
228 within 7 days of changes in the obligor's address, payors, and  
229 the addresses of his or her payors.

230           7. That in a Title IV-D case, if an obligation to pay  
231 current support is reduced or terminated due to emancipation of a  
232 child and the obligor owes an arrearage, retroactive support,  
233 delinquency, or costs, income deduction continues at the rate in  
234 effect immediately prior to emancipation until all arrearages,  
235 retroactive support, delinquencies, and costs are paid in full  
236 or until the amount of withholding is modified.

237           (f) If a support order was entered before January 1, 1994,  
238 the court orders the income deduction to be effective upon  
239 delinquency as provided in paragraph (c), or a delinquency has  
240 accrued under an order entered before July 1, 2006, that  
241 established, modified, or enforced the obligation and there is no  
242 order for repayment of the delinquency or a preexisting  
243 arrearage, the obligee or, in Title IV-D cases, the Title IV-D  
244 agency may enforce the income deduction by serving a notice of  
245 delinquency by regular mail on the obligor under this paragraph.  
246 Service of the notice is complete upon mailing.

247           1. The notice of delinquency shall state:

248           a. The terms of the order establishing, enforcing, or  
249 modifying the obligation.

250           b. The period of delinquency and the total amount of the

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delinquency as of the date the notice is mailed.

c. All fees or interest which may be imposed.

d. The total amount of income to be deducted for each pay period until the arrearage, and all applicable fees and interest, is paid in full and shall state the total amount of income to be deducted for each pay period thereafter. The amounts deducted may not be in excess of that allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended.

e. That the income deduction order applies to current and subsequent payors and periods of employment.

f. That a copy of the notice of delinquency will be provided by regular mail to ~~served on~~ the obligor's payor or payors, together with a copy of the income deduction order or, in Title IV-D cases, the income deduction notice, unless the obligor applies to the court to contest enforcement of the income deduction. If the income deduction order being enforced was rendered by the Title IV-D agency pursuant to s. 409.2563 and the obligor contests the deduction, the obligor shall file a petition for an administrative hearing with the Title IV-D agency. The application or petition shall be filed within 15 days after the date the notice of delinquency was mailed ~~served~~.

g. That enforcement of the income deduction order may only be contested on the ground of mistake of fact regarding the amount owed pursuant to the order establishing, enforcing, or modifying the obligation, the amount of arrearages, or the

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identity of the obligor, the payor, or the obligee.

h. That the obligor is required to notify the obligee of the obligor's current address and current payors and of the address of current payors. All changes shall be reported by the obligor within 7 days. If the IV-D agency is enforcing the order, the obligor shall make these notifications to the agency instead of to the obligee.

2. The failure of the obligor to receive the notice of delinquency does not preclude subsequent service by regular mail of the income deduction order or, in Title IV-D cases, the income deduction notice on the obligor's payor. A notice of delinquency which fails to state an arrearage does not mean that an arrearage is not owed.

(g) At any time, any party, including the IV-D agency, may apply to the court to:

1. Modify, suspend, or terminate the income deduction order in accordance with a modification, suspension, or termination of the support provisions in the underlying order; or

2. Modify the amount of income deducted when the arrearage has been paid.

(2) Enforcement of income deduction orders.--

(a) The obligee or his or her agent shall serve an income deduction order and notice to payor, or, in Title IV-D cases, the Title IV-D agency shall issue an income deduction notice, and in the case of a delinquency a notice of delinquency, on the

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obligor's payor by regular mail unless the obligor has applied for a hearing to contest the enforcement of the income deduction pursuant to paragraph (c).

(b)1. Unless otherwise provided, service by or upon any person who is a party to a proceeding under this section shall be made in the manner prescribed in the Florida Rules of Civil Procedure for service upon parties.

2. Service upon an obligor's payor or successor payor under this section shall be made by regular ~~prepaid certified mail, return receipt requested, or in the manner prescribed in chapter 48.~~

(c)1. The obligor, within 15 days after service of a notice of delinquency, may apply for a hearing to contest the enforcement of the income deduction on the ground of mistake of fact regarding the amount owed pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support, the amount of the arrearage, or the identity of the obligor, the payor, or the obligee. The obligor shall send a copy of the pleading to the obligee and, if the obligee is receiving IV-D services, to the IV-D agency. The timely filing of the pleading shall stay service by regular mail of an income deduction order or, in Title IV-D cases, income deduction notice on all payors of the obligor until a hearing is held and a determination is made as to whether enforcement of the income deduction order is proper. The

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326 payment of a delinquent obligation by an obligor upon entry of an  
327 income deduction order shall not preclude service by regular mail  
328 of the income deduction order or, in Title IV-D cases, an income  
329 deduction notice on the obligor's payor.

330 2. When an obligor timely requests a hearing to contest  
331 enforcement of an income deduction order, the court, after due  
332 notice to all parties and the IV-D agency if the obligee is  
333 receiving IV-D services, shall hear the matter within 20 days  
334 after the application is filed. The court shall enter an order  
335 resolving the matter within 10 days after the hearing. A copy of  
336 this order shall be provided by regular mail to ~~served on the~~  
337 parties and the IV-D agency if the obligee is receiving IV-D  
338 services. If the court determines that income deduction is  
339 proper, it shall specify the date the income deduction order must  
340 be served by regular mail on the obligor's payor.

341 (d) When a court determines that an income deduction order  
342 is proper pursuant to paragraph (c), the obligee or his or her  
343 agent shall furnish cause a copy of the notice of delinquency to  
344 ~~be served on~~ the obligor's payors by regular mail. A copy of  
345 the income deduction order or, in Title IV-D cases, income  
346 deduction notice, and in the case of a delinquency a notice of  
347 delinquency, shall also be furnished to the obligor.

348 (e) Notice to payor and income deduction notice. The notice  
349 to payor or, in Title IV-D cases, income deduction notice shall  
350 contain only information necessary for the payor to comply with

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the order providing for income deduction. The notice shall:

1. Provide the obligor's social security number.

2. Require the payor to deduct from the obligor's income the amount specified in the income deduction order, and in the case of a delinquency the amount specified in the notice of delinquency, and to pay that amount to the obligee or to the depository, as appropriate. The amount actually deducted plus all administrative charges shall not be in excess of the amount allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b);

3. Instruct the payor to implement income deduction no later than the first payment date which occurs more than 14 days after the date the income deduction notice was served on the payor, and the payor shall conform the amount specified in the income deduction order or, in Title IV-D cases, income deduction notice to the obligor's pay cycle. The court should request at the time of the order that the payment cycle reflect that of the payor;

4. Instruct the payor to forward, within 2 days after each date the obligor is entitled to payment from the payor, to the obligee or to the depository the amount deducted from the obligor's income, a statement as to whether the amount totally or partially satisfies the periodic amount specified in the income deduction order or, in Title IV-D cases, income deduction notice, and the specific date each deduction is made. If the IV-D agency is enforcing the order, the payor shall make these notifications

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to the agency instead of the obligee;

5. Specify that if a payor fails to deduct the proper amount from the obligor's income, the payor is liable for the amount the payor should have deducted, plus costs, interest, and reasonable attorney's fees;

6. Provide that the payor may collect up to \$5 against the obligor's income to reimburse the payor for administrative costs for the first income deduction and up to \$2 for each deduction thereafter;

7. State that the notice to payor or, in Title IV-D cases, income deduction notice, and in the case of a delinquency the notice of delinquency, are binding on the payor until further notice by the obligee, IV-D agency, or the court or until the payor no longer provides income to the obligor;

8. Instruct the payor that, when he or she no longer provides income to the obligor, he or she shall notify the obligee and shall also provide the obligor's last known address and the name and address of the obligor's new payor, if known; and that, if the payor violates this provision, the payor is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation. If the IV-D agency is enforcing the order, the payor shall make these notifications to the agency instead of to the obligee. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction order;



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9. State that the payor shall not discharge, refuse to employ, or take disciplinary action against an obligor because of the requirement for income deduction and shall state that a violation of this provision subjects the payor to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction, if any alimony or child support obligation is owing. If no alimony or child support obligation is owing, the penalty shall be paid to the obligor;

10. State that an obligor may bring a civil action in the courts of this state against a payor who refuses to employ, discharges, or otherwise disciplines an obligor because of income deduction. The obligor is entitled to reinstatement and all wages and benefits lost, plus reasonable attorney's fees and costs incurred;

11. Inform the payor that the requirement for income deduction has priority over all other legal processes under state law pertaining to the same income and that payment, as required by the notice to payor or income deduction notice, is a complete defense by the payor against any claims of the obligor or his or her creditors as to the sum paid;

12. Inform the payor that, when the payor receives notices to payor or income deduction notices requiring that the income of two or more obligors be deducted and sent to the same

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depository, the payor may combine the amounts that are to be paid to the depository in a single payment as long as the payments attributable to each obligor are clearly identified;

13. Inform the payor that if the payor receives more than one notice to payor or income deduction notice against the same obligor, the payor shall contact the court or, in Title IV-0 cases, the Title IV-D agency for further instructions. Upon being so contacted, the court or, in Title IV-0 cases when all the cases upon which the notices are based are Title IV-D cases, the Title IV-D agency shall allocate amounts available for income deduction as provided in subsection (4); and

14. State that in a Title IV-D case, if an obligation to pay current support is reduced or terminated due to the emancipation of a child and the obligor owes an arrearage, retroactive support, delinquency, or costs, income deduction continues at the rate in effect immediately prior to emancipation until all arrearages, retroactive support, delinquencies, and costs are paid in full or until the amount of withholding is modified.

(f) At any time an income deduction order is being enforced, the obligor may apply to the court for a hearing to contest the continued enforcement of the income deduction on the same grounds set out in paragraph (c), with a copy to the obligee and, in IV-D cases, to the IV-D agency. If the income deduction order being enforced was rendered by the IV-D agency pursuant to s. 409.2563 and the obligor contests the withholding, the obligor

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shall file a petition for an administrative hearing with the IV-D agency. The application or petition does not affect the continued enforcement of the income deduction until the court or IV-D agency, if applicable, enters an order granting relief to the obligor. The obligee or the IV-D agency is released from liability for improper receipt of moneys pursuant to an income deduction order upon return to the appropriate party of any moneys received.

(g) An obligee or his or her agent shall enforce an income deduction order against an obligor's successor payor who is located in this state in the same manner prescribed in this section for the enforcement of an income deduction order against a payor.

(h)1. When an income deduction order is to be enforced against a payor located outside the state, the obligee who is receiving IV-D services or his or her agent shall promptly request the agency responsible for income deduction in the other state to enforce the income deduction order. The request shall contain all information necessary to enforce the income deduction order, including the amount to be periodically deducted, a copy of the order establishing, enforcing, or modifying the obligation, and a statement of arrearages, if applicable.

2. When the IV-D agency is requested by the agency responsible for income deduction in another state to enforce an income deduction order against a payor located in this state for

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the benefit of an obligee who is being provided IV-D services by the agency in the other state, the IV-D agency shall act promptly pursuant to the applicable provisions of this section.

3. When an obligor who is subject to an income deduction order enforced against a payor located in this state for the benefit of an obligee who is being provided IV-D services by the agency responsible for income deduction in another state terminates his or her relationship with his or her payor, the IV-D agency shall notify the agency in the other state and provide it with the name and address of the obligor and the address of any new payor of the obligor, if known.

4. a. The procedural rules and laws of this state govern the procedural aspects of income deduction whenever the agency responsible for income deduction in another state requests the enforcement of an income deduction order in this state.

b. Except with respect to when withholding must be implemented, which is controlled by the state where the order establishing, enforcing, or modifying the obligation was entered, the substantive law of this state shall apply whenever the agency responsible for income deduction in another state requests the enforcement of an income deduction in this state.

c. When the IV-D agency is requested by an agency responsible for income deduction in another state to implement income deduction against a payor located in this state for the benefit of an obligee who is being provided IV-D services by the

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agency in the other state or when the IV-D agency in this state initiates an income deduction request on behalf of an obligee receiving IV-D services in this state against a payor in another state, pursuant to this section or the Uniform Interstate Family Support Act, the IV-D agency shall file the interstate income deduction documents, or an affidavit of such request when the income deduction documents are not available, with the depository and if the IV-D agency in this state is responding to a request from another state, provide copies to the payor and obligor in accordance with subsection (1). The depository created pursuant to s. 61.181 shall accept the interstate income deduction documents or affidavit and shall establish an account for the receipt and disbursement of child support or child support and alimony payments and advise the IV-D agency of the account number in writing within 2 days after receipt of the documents or affidavit.

(i) Certified copies of payment records maintained by a depository shall, without further proof, be admitted into evidence in any legal proceeding in this state.

(j)1. A person may not discharge, refuse to employ, or take disciplinary action against an employee because of the enforcement of an income deduction order. An employer who violates this subsection is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation. Penalties shall be paid to the obligee or the IV-D

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agency, whichever is enforcing the income deduction, if an alimony or child support is owing. If no alimony or child support is owing, the penalty shall be paid to the obligor.

2. An employee may bring a civil action in the courts of this state against an employer who refuses to employ, discharges, or otherwise disciplines an employee because of an income deduction order. The employee is entitled to reinstatement and all wages and benefits lost plus reasonable attorney's fees and costs incurred.

(k) When a payor no longer provides income to an obligor, he or she shall notify the obligee and, if the obligee is a IV-D applicant, the IV-D agency and shall also provide the obligor's last known address and the name and address of the obligor's new payor, if known. A payor who violates this subsection is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for a subsequent violation. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction order.

(3)(a) It is the intent of the Legislature that this section may be used to collect arrearages in child support or in alimony payments.

(b) In a Title IV-D case, if an obligation to pay current support is reduced or terminated due to the emancipation of a child and the obligor owes an arrearage, retroactive support, delinquency, or costs, income deduction continues at the rate in

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effect immediately prior to emancipation until all arrearages, retroactive support, delinquencies, and costs are paid in full or until the amount of withholding is modified. Any income- deducted amount that is in excess of the obligation to pay current support shall be credited against the arrearages, retroactive support, delinquency, and costs owed by the obligor. The department shall send notice of this requirement by regular mail to the payor and the depository operated pursuant to s. 61.181, and the notice shall state the amount of the obligation to pay current support, if any, and the amount owed for arrearages, retroactive support, delinquency, and costs. For income deduction orders entered before July 1, 2004, which do not include this requirement, the department shall send by regular ~~certified~~ mail, ~~restricted delivery, return receipt requested,~~ to the obligor at the most recent address provided by the obligor to the tribunal that issued the order or a more recent address if known, notice of this requirement, that the obligor may contest the withholding as provided by paragraph (2)(f), and that the obligor may request the tribunal that issued the income deduction to modify the amount of the withholding. This paragraph provides an additional remedy for collection of unpaid support and applies to cases in which a support order or income deduction order was entered before, on, or after July 1, 2004.

(c) If a delinquency accrues after an order establishing, modifying, or enforcing a support obligation has been entered, an

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income deduction order entered after July 1, 2006, is in effect, and there is no order for repayment of the delinquency or a preexisting arrearage, a payor who receives ~~is served with~~ an income deduction order or, in a Title IV-D case, an income deduction notice shall deduct an additional 20 percent of the current support obligation or other amount agreed to by the parties until the delinquency and any attorney's fees and costs are paid in full. No deduction may be applied to attorney's fees and costs until the delinquency is paid in full.

Section 3. Subsection (2) of section 409.2574, Florida Statutes, is amended to read:

409.2574 Income deduction enforcement in Title IV-D cases.-

(2) (a) In a support order being enforced under Title IV-D of the Social Security Act and which order does not specify income deduction, income deduction shall be enforced by the department or its designee without the need for any amendment to the support order or any further action by the court.

(b) The department shall serve a notice on the obligor that the income deduction notice has been served on the employers. Service upon an obligor under this section shall be made by regular mail to the obligor's last known address of record with the local depository or a more recent address if known ~~in the manner prescribed in chapter 48~~. The department shall furnish to the obligor a statement of the obligor's rights, remedies, and duties in regard to the income deduction.



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601 (c) The obligor has 15 days from the mailing ~~serving~~ of the  
602 notice to file a request for a hearing with the department to  
603 contest enforcement of income deduction.

604 (d) The department shall adopt rules to ensure that  
605 applicable provisions of s. 61.1301 are followed.

606 Section 4. Subsection (4) of section 409.256, Florida  
607 Statutes, is amended to read:

608 409.256 Administrative proceeding to establish paternity or  
609 paternity and child support; order to appear for genetic  
610 testing.-

611 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR  
612 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC TESTING;  
613 MANNER OF SERVICE; CONTENTS.-The Department of Revenue shall  
614 commence a proceeding to determine paternity, or a proceeding to  
615 determine both paternity and child support, by serving the  
616 respondent with a notice as provided in this section. An order  
617 to appear for genetic testing may be served at the same time as a  
618 notice of the proceeding or may be served separately. A copy of  
619 the affidavit or written declaration upon which the proceeding  
620 is based shall be provided to the respondent when notice is  
621 served. A notice or order to appear for genetic testing shall be  
622 served by certified mail, ~~restricted delivery~~, return receipt  
623 requested, or in accordance with the requirements for service of  
624 process in a civil action. Service by certified mail is completed  
625 when the certified mail is received or refused by the addressee

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or by an authorized agent as designated by the addressee in writing. If a person other than the addressee signs the return receipt, the department shall attempt to reach the addressee by telephone to confirm whether the notice was received, and the department shall document any telephonic communications. If someone other than the addressee signs the return receipt, the addressee does not respond to the notice, and the department is unable to confirm that the addressee has received the notice, service is not completed and the department shall attempt to have the addressee served personally. For purposes of this section, an employee or an authorized agent of the department may serve the notice or order to appear for genetic testing and execute an affidavit of service. The department may serve an order to appear for genetic testing on a caregiver. The department shall provide a copy of the notice or order to appear by regular mail to the mother and caregiver, if they are not respondents.

Section 5. Subsection (4) of section 409.2563 is amended to read:

409.2563 Administrative establishment of child support obligations.—

(4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER.—To commence a proceeding under this section, the department shall provide to the parent from whom support is not being sought and serve the parent from whom support is being sought with a notice of proceeding to establish administrative

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support order and a blank financial affidavit form. The notice must state:

(a) The names of both parents, the name of the caregiver, if any, and the name and date of birth of the child or children;

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

(c) That both parents must submit a completed financial affidavit to the department within 20 days after receiving the notice, as provided by paragraph (13) (a);

(d) That both parents, or parent and caregiver if applicable, are required to furnish to the department information regarding their identities and locations, as provided by paragraph (13) (b);

(e) That both parents, or parent and caregiver if applicable, are required to promptly notify the department of any change in their mailing addresses to ensure receipt of all subsequent pleadings, notices, and orders, as provided by paragraph (13) (c);

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

(g) That the department will send by regular mail to both parents, or parent and caregiver if applicable, a copy of the

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proposed administrative support order, the department's child support worksheet, and any financial affidavits submitted by a parent or prepared by the department;

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

(i) That if the parent from whom support is being sought does not file a timely request for hearing after service of the proposed administrative support order, the department will issue an administrative support order that incorporates the findings of the proposed administrative support order, and will send by regular mail a copy of the administrative support order to both parents, or parent and caregiver if applicable;

(j) That after an administrative support order is rendered, the department will file a copy of the order with the clerk of the circuit court;

(k) That after an administrative support order is rendered, the department may enforce the administrative support order by any lawful means;

(l) That either parent, or caregiver if applicable, may file at any time a civil action in a circuit court having jurisdiction and proper venue to determine parental support obligations, if any, and that a support order issued by a

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circuit court supersedes an administrative support order  
rendered by the department;

(m) That neither the department nor the Division of  
Administrative Hearings has jurisdiction to award or change  
child custody or rights of parental contact or time-sharing, and  
these issues may be addressed only in circuit court.

1. The parent from whom support is being sought may request  
in writing that the department proceed in circuit court to  
determine his or her support obligations.

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

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

4. If, within 10 days after receipt of the department's  
petition and waiver of service, the parent from whom support is

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being sought signs and returns the waiver of service form to the department, the department shall terminate the administrative proceeding without prejudice and proceed in circuit court.

5. In any circuit court action filed by the department pursuant to this paragraph or filed by a parent from whom support is being sought or other person pursuant to paragraph (1) or paragraph (n), the department shall be a party only with respect to those issues of support allowed and reimbursable under Title IV-D of the Social Security Act. It is the responsibility of the parent from whom support is being sought or other person to take the necessary steps to present other issues for the court to consider.

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

(o) Information provided by the Office of State Courts Administrator concerning the availability and location of self-help programs for those who wish to file an action in circuit court but who cannot afford an attorney. The department may serve the notice of proceeding to establish administrative support order by certified mail, ~~restricted delivery~~, return receipt requested. Alternatively, the department may serve the notice by any means permitted for service of process in a civil action.

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For purposes of this section, an authorized employee of the department may serve the notice and execute an affidavit of service. Service by certified mail is completed when the certified mail is received or refused by the addressee or by an authorized agent as designated by the addressee in writing. If a person other than the addressee signs the return receipt, the department shall attempt to reach the addressee by telephone to confirm whether the notice was received, and the department shall document any telephonic communications. If someone other than the addressee signs the return receipt, the addressee does not respond to the notice, and the department is unable to confirm that the addressee has received the notice, service is not completed and the department shall attempt to have the addressee served personally. The department shall provide the parent from whom support is not being sought or the caregiver with a copy of the notice by regular mail to the last known address of the parent from whom support is not being sought or caregiver.

Section 6. Subsection (1), (3) and (7) of section 409.25656, Florida Statutes, is amended to read:

(1) If a person has a support obligation which is subject to enforcement by the department as the state Title IV-D program, the executive director or his or her designee may give notice of past due and/or overdue support by regular ~~registered~~ mail to all persons who have in their possession or under their control any credits or personal property, including wages,

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776 belonging to the support obligor, or owing any debts to the  
777 support obligor at the time of receipt by them of such notice.  
778 Thereafter, any person who has been notified may not transfer or  
779 make any other disposition, up to the amount provided for in the  
780 notice, of such credits, other personal property, or debts until  
781 the executive director or his or her designee consents to a  
782 transfer or disposition, or until 60 days after the receipt of  
783 such notice. If the obligor contests the intended levy in the  
784 circuit court or under chapter 120, the notice under this section  
785 shall remain in effect until final disposition of that circuit  
786 court or chapter 120 action. Any financial institution receiving  
787 such notice will maintain a right of setoff for any transaction  
788 involving a debit card occurring on or before the date of  
789 receipt of such notice.

790 (2) Each person who is notified under this section must,  
791 within 5 days after receipt of the notice, advise the executive  
792 director or his or her designee of the credits, other personal  
793 property, or debts in their possession, under their control, or  
794 owed by them and must advise the executive director or designee  
795 within 5 days of coming into possession or control of any  
796 subsequent credits, personal property, or debts owed during the  
797 time prescribed by the notice. Any such person coming into  
798 possession or control of such subsequent credits, personal  
799 property, or debts shall not transfer or dispose of them during  
800 the time prescribed by the notice or until the department



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consents to a transfer.

(3) During the last 30 days of the 60-day period set forth in subsection (1), the executive director or his or her designee may levy upon such credits, personal property, or debts. The levy must be accomplished by delivery of a notice of levy by regular ~~registered~~ mail, upon receipt of which the person possessing the credits, other personal property, or debts shall transfer them to the department or pay to the department the amount owed by the obligor. If the department levies upon securities and the value of the securities is less than the total amount of past due or overdue support, the person who possesses or controls the securities shall liquidate the securities in a commercially reasonable manner. After liquidation, the person shall transfer to the department the proceeds, less any applicable commissions or fees, or both, which are charged in the normal course of business. If the value of the securities exceeds the total amount of past due or overdue support, the obligor may, within 7 days after receipt of the department's notice of levy, instruct the person who possesses or controls the securities which securities are to be sold to satisfy the obligation for past due or overdue support. If the obligor does not provide instructions for liquidation, the person who possesses or controls the securities shall liquidate the securities in a commercially reasonable manner in an amount sufficient to cover the obligation for past due or overdue

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support and any applicable commissions or fees, or both, which are charged in the normal course of business, beginning with the securities purchased most recently. After liquidation, the person who possesses or controls the securities shall transfer to the department the total amount of past due or overdue support.

(4) A notice that is delivered under this section is effective at the time of delivery against all credits, other personal property, or debts of the obligor which are not at the time of such notice subject to an attachment, garnishment, or execution issued through a judicial process. Upon express written consent of a person who is or may be in possession of personal property belonging to the obligor, the department may deliver the notices required by this section to that person by secure electronic means.

(5) The department is authorized to bring an action in circuit court for an order compelling compliance with any notice issued under this section.

(6) Any person acting in accordance with the terms of the notice or levy issued by the executive director or his or her designee is expressly discharged from any obligation or liability to the obligor with respect to such credits, other personal property, or debts of the obligor affected by compliance with the notice of freeze or levy.

(7) (a) Levy may be made under subsection (3) upon credits,

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other personal property, or debt of any person with respect to any past due or overdue support obligation only after the executive director or his or her designee has notified such person in writing of the intention to make such levy.

(b) Not less than 30 days before the day of the levy, the notice of intent to levy required under paragraph (a) must be given in person or sent by regular ~~certified or registered~~ mail to the person's last known address.

(c) The notice required in paragraph (a) must include a brief statement that sets forth:

1. The provisions of this section relating to levy and sale of property;

2. The procedures applicable to the levy under this section;

3. The administrative and judicial appeals available to the obligor with respect to such levy and sale, and the procedures relating to such appeals; and

4. The alternatives, if any, available to the obligor which could prevent levy on the property.

(d) The obligor may consent in writing to the levy at any time after receipt of a notice of intent to levy.

Section 7. This act shall take effect on July 1, 2024.