${\bf By}$ Senators Jones, Diaz-Balart, Dyer, Cowin, Casas, Forman, Silver, Meek and Gutman

37-788A-99

1 A bill to be entitled 2 An act relating to child support; amending s. 3 61.14, F.S.; revising evidence that constitutes 4 a final judgment by operation of law when 5 support payments made through a local 6 depository are delinquent; amending s. 61.181, 7 F.S.; authorizing the Department of Revenue to exempt a depository from participation in the 8 9 automated child support enforcement system; providing exemptions for specified 10 depositories; repealing s. 61.1826(9), F.S., 11 12 relating to penalties for depositories that fail to participate in the State Disbursement 13 Unit or the non-title IV-D component of the 14 15 State Case Registry; providing an effective 16 date. 17 18 Be It Enacted by the Legislature of the State of Florida: 19 20 Section 1. Paragraph (a) of subsection (6) of section 21 61.14, Florida Statutes, 1998 Supplement, is amended to read: 22 61.14 Enforcement and modification of support, 23 maintenance, or alimony agreements or orders .--(6)(a)1. When support payments are made through the 24 25 local depository, any payment or installment of support which becomes due and is unpaid under any support order is 26 27 delinquent; and this unpaid payment or installment, and all 28 other costs and fees herein provided for, become, after notice to the obligor and the time for response as set forth in this 29 30 subsection, a final judgment by operation of law, which has

 by a court in this state for which execution may issue. No deduction shall be made by the local depository from any payment made for costs and fees accrued in the judgment by operation of law process under paragraph (b) until the total amount of support payments due the obligee under the judgment has been paid.

- 2. A certified copy of the support order and A certified statement by the local depository evidencing a delinquency in support payments constitutes constitute evidence of the final judgment under this paragraph.
- 3. The judgment under this paragraph is a final judgment as to any unpaid payment or installment of support which has accrued up to the time either party files a motion with the court to alter or modify the support order, and such judgment may not be modified by the court. The court may modify such judgment as to any unpaid payment or installment of support which accrues after the date of the filing of the motion to alter or modify the support order. This subparagraph does not prohibit the court from providing relief from the judgment pursuant to Rule 1.540, Florida Rules of Civil Procedure.

Section 2. Paragraph (b) of subsection (2) of section 61.181, Florida Statutes, 1998 Supplement, is amended to read:

61.181 Central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; fees.--

(2)

(b)1. For the period of July 1, 1992, through June 30, 2002, the fee imposed in paragraph (a) shall be increased to 4 percent of the support payments which the party is obligated to pay, except that no fee shall be more than \$5.25. The fee

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shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay. 2 3 Notwithstanding the provisions of s. 145.022, 75 percent of the additional revenues generated by this paragraph shall be 4 5 remitted monthly to the Clerk of the Court Child Support 6 Enforcement Collection System Trust Fund administered by the 7 department as provided in subparagraph 2. These funds shall 8 be used exclusively for the development, implementation, and 9 operation of the Clerk of the Court Child Support Enforcement 10 Collection System to be operated by the depositories, 11 including the automation of civil case information necessary for the State Case Registry. The department shall contract 12 with the Florida Association of Court Clerks and the 13 depositories to design, establish, operate, upgrade, and 14 maintain the automation of the depositories to include, but 15 not be limited to, the provision of on-line electronic 16 17 transfer of information to the IV-D agency as otherwise 18 required by this chapter. The department's obligation to fund 19 the automation of the depositories is limited to the state share of funds available in the Clerk of the Court Child 20 Support Enforcement Collection System Trust Fund. 21 depository created under this section shall fully participate 22 in the Clerk of the Court Child Support Enforcement Collection 23 24 System and transmit data in a readable format as required by the contract between the Florida Association of Court Clerks 25 26 and the department. The department may at its discretion 27 exempt a depository from compliance with participation in the 28 automated child support enforcement system. Notwithstanding 29 any other provision of law, the depositories of Miami-Dade 30 County and Seminole County shall be exempt from compliance

1	with participation in the automated child support enforcement
2	system.
3	2. No later than December 31, 1996, moneys to be
4	remitted to the department by the depository shall be done
5	daily by electronic funds transfer and calculated as follows:
6	a. For each support payment of less than \$33, 18.75
7	cents.
8	b. For each support payment between \$33 and \$140, an
9	amount equal to 18.75 percent of the fee charged.
10	c. For each support payment in excess of \$140, 18.75
11	cents.
12	3. Prior to June 30, 1995, the depositories and the
13	department shall provide the Legislature with estimates of the
14	cost of continuing the collection and maintenance of
15	information required by this act.
16	4. The fees established by this section shall be set
17	forth and included in every order of support entered by a
18	court of this state which requires payment to be made into the
19	depository.
20	Section 3. Subsection (9) of section 61.1826, Florida
21	Statutes, is repealed.
22	Section 4. This act shall take effect July 1, 1999.
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25	LEGISLATIVE SUMMARY
26	Removes requirement for a certified copy of the child
27	support order in providing evidence that constitutes a final judgment by operation of law when child support
28	payments made through a local depository are delinquent. Authorizes the Department of Revenue to exempt a
29	depository from participation in the automated child support enforcement system. Provides exemptions for the
30	depositories of Miami-Dade and Seminole Counties. Repeals penalties for failure of a depository to participate in
31	the State Disbursement Unit or the non-title IV-D component of the State Case Registry.
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CODING: Words stricken are deletions; words underlined are additions.