

Bill No. CS for SB 2244

Amendment No. ____

1 ~~(5)(3)~~ "Depository" means the central governmental
2 depository established pursuant to s. 61.181, created by
3 special act of the Legislature or other entity established
4 before June 1, 1985, to perform depository functions and to
5 receive, record, report, disburse, monitor, and otherwise
6 handle alimony and child support payments not otherwise
7 required to be processed by the State Disbursement Unit.

8 ~~(6)~~ "Federal Case Registry of Child Support Orders"
9 means the automated registry of support order abstracts and
10 other information established and maintained by the United
11 States Department of Health and Human Services as provided by
12 42 U.S.C. s. 653(h).

13 ~~(7)(4)~~ "Income" means any form of payment to an
14 individual, regardless of source, including, but not limited
15 to: wages, salary, commissions and bonuses, compensation as an
16 independent contractor, worker's compensation, disability
17 benefits, annuity and retirement benefits, pensions,
18 dividends, interest, royalties, trusts, and any other
19 payments, made by any person, private entity, federal or state
20 government, or any unit of local government. United States
21 Department of Veterans Affairs disability benefits and
22 unemployment compensation, as defined in chapter 443, are
23 excluded from this definition of income except for purposes of
24 establishing an amount of support.

25 ~~(8)(5)~~ "IV-D" means services provided pursuant to
26 Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et
27 seq s. 1302.

28 ~~(9)(6)~~ "Local officer" means an elected or appointed
29 constitutional or charter government official including, but
30 not limited to, the state attorney and clerk of the circuit
31 court.

Bill No. CS for SB 2244

Amendment No. ____

1 ~~(10)(7)~~ "Noncustodial parent" means the parent with
2 whom the child does not maintain his or her primary residence.

3 ~~(11)(8)~~ "Obligee" means the person to whom payments
4 are made pursuant to an order establishing, enforcing, or
5 modifying an obligation for alimony, for child support, or for
6 alimony and child support.

7 ~~(12)(9)~~ "Obligor" means a person responsible for
8 making payments pursuant to an order establishing, enforcing,
9 or modifying an obligation for alimony, for child support, or
10 for alimony and child support.

11 ~~(13)(10)~~ "Payor" means an employer or former employer
12 or any other person or agency providing or administering
13 income to the obligor.

14 ~~(14)(11)~~ "Shared parental responsibility" means a
15 court-ordered relationship in which both parents retain full
16 parental rights and responsibilities with respect to their
17 child and in which both parents confer with each other so that
18 major decisions affecting the welfare of the child will be
19 determined jointly.

20 ~~(15)(12)~~ "Sole parental responsibility" means a
21 court-ordered relationship in which one parent makes decisions
22 regarding the minor child.

23 ~~(16)(13)~~ "State Case Registry" means the automated a
24 registry maintained by the Title IV-D agency, containing
25 records of each Title IV-D case and of each support order
26 established or modified in the state on or after October 1,
27 1998. Such records shall consist of data elements as required
28 by the United States Secretary of Health and Human Services.
29 ~~for information related to paternity and child support orders~~
30 ~~for Title IV-D. Beginning October 1, 1998, information~~
31 ~~related to non-Title IV-D cases established or modified in the~~

Bill No. CS for SB 2244

Amendment No. ____

1 ~~state shall be maintained in the registry.~~

2 (17) "State Disbursement Unit" means the unit
3 established and operated by the Title IV-D agency to provide
4 one central address for collection and disbursement of child
5 support payments made in cases enforced by the department
6 pursuant to Title IV-D of the Social Security Act and in cases
7 not being enforced by the department in which the support
8 order was initially issued in this state on or after January
9 1, 1994, and in which the obligor's child support obligation
10 is being paid through income deduction order.

11 (18) "Support order" means a judgment, decree, or
12 order, whether temporary or final issued by a court of
13 competent jurisdiction for the support and maintenance of a
14 child or in Title IV-D cases only, a child and the parent with
15 whom the child is living, which provides for monetary support,
16 health care, arrearages, or past support.

17 Section 34. Subsections (1) and (2) and paragraph (a)
18 of subsection (3) of section 61.181, Florida Statutes, are
19 amended to read:

20 61.181 Central depository for receiving, recording,
21 reporting, monitoring, and disbursing alimony, support,
22 maintenance, and child support payments; fees.--

23 (1) The office of the clerk of the court shall operate
24 a depository unless the depository is otherwise created by
25 special act of the Legislature or unless, prior to June 1,
26 1985, a different entity was established to perform such
27 functions. The department shall, no later than July 1, 1998,
28 extend participation in the federal child support cost
29 reimbursement program to the central depository in each
30 county, to the maximum extent possible under existing federal
31 law. The depository shall receive reimbursement for services

Bill No. CS for SB 2244

Amendment No. ____

1 provided under a cooperative agreement with the department
2 pursuant to s. 61.1826. Each depository shall participate in
3 the State Disbursement Unit and shall implement all statutory
4 and contractual duties imposed on the State Disbursement Unit.
5 Each depository shall receive from and transmit to the State
6 Disbursement Unit required data through the Clerk of Court
7 Child Support Enforcement Collection System. Payments on
8 non-Title IV-D cases without income deduction orders shall not
9 be sent to the State Disbursement Unit as provided by federal
10 law.

11 (2)(a) For payments not required to be processed
12 through the State Disbursement Unit,the depository shall
13 impose and collect a fee on each payment made for receiving,
14 recording, reporting, disbursing, monitoring, or handling
15 alimony or child support payments as required under this
16 section, which fee shall be a flat fee based, to the extent
17 practicable, upon estimated reasonable costs of operation.
18 The fee shall be reduced in any case in which the fixed fee
19 results in a charge to any party of an amount greater than 3
20 percent of the amount of any support payment made in
21 satisfaction of the amount which the party is obligated to
22 pay, except that no fee shall be less than \$1 nor more than \$5
23 per payment made. The fee shall be considered by the court in
24 determining the amount of support that the obligor is, or may
25 be, required to pay.

26 (b)1. For the period of July 1, 1992, through June 30,
27 2002 ~~1999~~, the fee imposed in paragraph (a) shall be increased
28 to 4 percent of the support payments which the party is
29 obligated to pay, except that no fee shall be more than \$5.25.
30 The fee shall be considered by the court in determining the
31 amount of support that the obligor is, or may be, required to

Bill No. CS for SB 2244

Amendment No. ____

1 pay. Notwithstanding the provisions of s. 145.022, 75 percent
2 of the additional revenues generated by this paragraph shall
3 be remitted monthly to the Clerk of the Court Child Support
4 Enforcement Collection System Trust Fund administered by the
5 department as provided in subparagraph 2. These funds shall
6 be used exclusively for the development, implementation, and
7 operation of the Clerk of the Court ~~an automated~~ Child Support
8 Enforcement Collection ~~Collections~~ System to be operated by
9 the depositories, including the automation of civil case
10 information necessary for the State Case Registry. The
11 department shall contract with the Florida Association of
12 Court Clerks ~~and Comptrollers~~ and the depositories to design,
13 establish, operate, upgrade, and maintain the automation of
14 the depositories to include, but not be limited to, the
15 provision of on-line electronic transfer of information to the
16 IV-D agency as otherwise required by this chapter. The
17 department's obligation to fund the automation of the
18 depositories is limited to the state share of funds available
19 in the Clerk of the Court Child Support Enforcement Collection
20 System Trust Fund. Each depository created under this section
21 shall fully participate in the Clerk of the Court ~~automated~~
22 Child Support Enforcement Collection System ~~on or before July~~
23 ~~1, 1997,~~ and transmit data in a readable format as required by
24 the contract between the Florida Association of Court Clerks
25 ~~and Comptrollers~~ and the department. ~~The department may at~~
26 ~~its discretion exempt a depository from compliance with full~~
27 ~~participation in the automated child support enforcement~~
28 ~~collection system.~~

29 2. No later than December 31, 1996, moneys to be
30 remitted to the department by the depository shall be done
31 daily by electronic funds transfer and calculated as follows:

Bill No. CS for SB 2244

Amendment No. ____

1 a. For each support payment of less than \$33, 18.75
2 cents.

3 b. For each support payment between \$33 and \$140, an
4 amount equal to 18.75 percent of the fee charged.

5 c. For each support payment in excess of \$140, 18.75
6 cents.

7 3. Prior to June 30, 1995, the depositories and the
8 department shall provide the Legislature with estimates of the
9 cost of continuing the collection and maintenance of
10 information required by this act.

11 4. The fees established by this section shall be set
12 forth and included in every order of support entered by a
13 court of this state which requires payment to be made into the
14 depository.

15 (3)(a) For payments not required to be processed
16 through the State Disbursement Unit,the depository shall
17 collect and distribute all support payments paid into the
18 depository to the appropriate party. On or after July 1, 1998,
19 if a payment is made on a Title IV-D case which is not
20 accompanied by the required transaction fee, the depository
21 shall not deduct any moneys from the support payment for
22 payment of the fee. Nonpayment of the required fee shall be
23 considered a delinquency, and when the total of fees and costs
24 which are due but not paid exceeds \$50, the judgment by
25 operation of law process set forth in s. 61.14(6)(a) shall
26 become applicable and operational. As part of its collection
27 and distribution functions, the depository shall maintain
28 records listing:

29 1. The obligor's name, address, social security
30 number, place of employment, and any other sources of income.

31 2. The obligee's name, address, and social security

Bill No. CS for SB 2244

Amendment No. ____

1 number.

2 3. The amount of support due as provided in the court
3 order.

4 4. The schedule of payment as provided in the court
5 order.

6 5. The actual amount of each support payment received,
7 the date of receipt, the amount disbursed, and the recipient
8 of the disbursement.

9 6. The unpaid balance of any arrearage due as provided
10 in the court order.

11 7. Other records as necessary to comply with federal
12 reporting requirements.

13 Section 35. Section 61.1824, Florida Statutes, is
14 created to read:

15 61.1824 State Disbursement Unit.--

16 (1) The State Disbursement Unit is hereby created and
17 shall be operated by the Department of Revenue or by a
18 contractor responsible directly to the department. The State
19 Disbursement Unit shall be responsible for the collection and
20 disbursement of payments for:

21 (a) All child support cases enforced by the department
22 pursuant to Title IV-D of the Social Security Act; and

23 (b) All child support cases not being enforced by the
24 department pursuant to Title IV-D of the Social Security Act
25 in which the initial support order was issued in this state on
26 or after January 1, 1994, and in which the obligor's child
27 support obligation is being paid through income deduction.

28 (2) The State Disbursement Unit must be operated in
29 coordination with the department's child support enforcement
30 automated system in Title IV-D cases.

31 (3) The State Disbursement Unit shall perform the

Bill No. CS for SB 2244

Amendment No. ____

1 following functions:

2 (a) Disburse all receipts from intercepts, including,
3 but not limited to, United States Internal Revenue Service,
4 unemployment compensation, lottery, and administrative offset
5 intercepts.

6 (b) Provide employers and payors with one address to
7 which all income deduction collections are sent.

8 (c) When there is more than one income deduction order
9 being enforced against the same obligor by the payor, allocate
10 the amounts available for income deduction in the manner set
11 forth in s. 61.1301.

12 (d) To the extent feasible, use automated procedures
13 for the collection and disbursement of support payments,
14 including, but not limited to, having procedures for:

15 1. Receipt of payments from obligors, employers, other
16 states and jurisdictions, and other entities.

17 2. Timely disbursement of payments to obligees, the
18 department, and other state Title IV-D agencies.

19 3. Accurate identification of payment source and
20 amount.

21 4. Furnishing any parent, upon request, timely
22 information on the current status of support payments under an
23 order requiring payments to be made by or to the parent,
24 except that in cases described in paragraph (1)(b), prior to
25 the date the State Disbursement Unit becomes fully
26 operational, the State Disbursement Unit shall not be required
27 to convert and maintain in automated form records of payments
28 kept pursuant to s. 61.181.

29 (e) Information regarding disbursement must be
30 transmitted in the following manner:

31 1. In Title IV-D cases, the State Disbursement Unit

Bill No. CS for SB 2244

Amendment No. ____

1 shall transmit, in an electronic format as prescribed by the
2 department, all required information to the department on the
3 same business day the information is received from the
4 employer or other source of periodic income, if sufficient
5 information identifying the payee is provided. The department
6 shall determine distribution allocation of a collection and
7 shall electronically transmit that information to the State
8 Disbursement Unit, whereupon the State Disbursement Unit shall
9 disburse the collection. The State Disbursement Unit may delay
10 the disbursement of payments toward arrearages until the
11 resolution of any timely appeal with respect to such
12 arrearages. The State Disbursement Unit may delay the
13 disbursement of Title IV-D collections until authorization by
14 the Title IV-D agency has been received.

15 2. In non-Title IV-D cases payment information is not
16 transmitted to the department. The State Disbursement Unit may
17 delay the disbursement of payments toward arrearages until the
18 resolution of any timely appeal with respect to such
19 arrearages.

20 (f) Reconcile all cash receipts and all disbursements
21 daily and provide the department with a daily reconciliation
22 report in a format as prescribed by the department.

23 (g) Disburse child support payments to foreign
24 countries as may be required.

25 (h) Receive and convert child support payments made in
26 foreign currency.

27 (i) Remit to the department payments for costs due the
28 department.

29 (j) Handle insufficient funds payments, claims of lost
30 or stolen checks, and stop payment orders.

31 (k) Issue billing notices and statements of account,

Bill No. CS for SB 2244

Amendment No. ____

1 in accordance with federal requirements, in a format and
2 frequency prescribed by the department to persons who pay and
3 receive child support in Title IV-D cases.

4 (l) Provide the department with a weekly report that
5 summarizes and totals all financial transaction activity.

6 (m) Provide toll-free access to customer assistance
7 representatives and an automated voice response system that
8 will enable the parties to a child support case to obtain
9 payment information.

10 (4) For cases in which the obligor or payor fails to
11 submit payment directly to the central address provided by the
12 State Disbursement Unit, the depositories shall have
13 procedures for accepting a support payment tendered in the
14 form of cash or a check drawn on the account of a payor or
15 obligor, unless the payor or obligor has previously remitted a
16 check which was returned to the depository due to lack of
17 sufficient funds in the account. If the payor or obligor has
18 had a check returned for this reason, the depository shall
19 accept payment by cash, cashier's check, or money order, or
20 may accept a check upon deposit by the payor or obligor of an
21 amount equal to 1 month's payment. Upon payment by cash,
22 cashier's check, or money order, the depository shall remit
23 the payment to the State Disbursement Unit within 1 business
24 day after receipt.

25 (5) Obligees receiving payments through the State
26 Disbursement Unit shall inform the State Disbursement Unit of
27 changes in their names and addresses. Notification of all
28 changes must be made directly to the State Disbursement Unit
29 within 7 business days after a change. In Title IV-D cases,
30 the State Disbursement Unit shall transmit the information to
31 the department, in an electronic format prescribed by the

Bill No. CS for SB 2244

Amendment No. ____

1 department, within 1 business day after receipt.

2 Section 36. Section 61.1825, Florida Statutes, is
3 created to read:

4 61.1825 State Case Registry.--

5 (1) The Department of Revenue or its agent shall
6 operate and maintain a State Case Registry as provided by 42
7 U.S.C. s. 654A. The State Case Registry must contain records
8 for:

9 (a) Each case in which services are being provided by
10 the department as the state's Title IV-D agency; and

11 (b) By October 1, 1998, each support order established
12 or modified in the state on or after October 1, 1998, in which
13 services are not being provided by the Title IV-D agency.

14
15 The department shall maintain that part of the State Case
16 Registry that includes support order information for Title
17 IV-D cases on the department's child support enforcement
18 automated system.

19 (2) By October 1, 1998, for each support order
20 established or modified by a court of this state on or after
21 October 1, 1998, the depository for the court that enters the
22 support order in a non-Title IV-D case shall provide, in an
23 electronic format prescribed by the department, the following
24 information to that component of the State Case Registry that
25 receives, maintains, and transmits support order information
26 for non-Title IV-D cases:

27 (a) The name of the obligor, obligee, and child or
28 children;

29 (b) The social security number of the obligor,
30 obligee, and child or children;

31 (c) The date of birth of the obligor, obligee, and

Bill No. CS for SB 2244

Amendment No. ____

1 child or children;

2 (d) Whether a family violence indicator is present or
3 if a court order has been entered against a party in a
4 domestic violence or protective action;

5 (e) The date the support order was established or
6 modified;

7 (f) The case identification number, which is the
8 two-digit numeric county code followed by the civil circuit
9 case number;

10 (g) The federal information processing system numeric
11 designation for the county and state where the support order
12 was established or modified; and

13 (h) Any other data as may be required by the United
14 States Secretary of Health and Human Services.

15 (3) The depository, using standardized data elements,
16 shall provide the support order information required by
17 subsection (2) to the entity that maintains the non-Title IV-D
18 support order information for the State Case Registry at a
19 frequency and in a format prescribed by the department.

20 (4) The entity that maintains State Case Registry
21 information for non-Title IV-D cases shall make the
22 information available to the department in a readable and
23 searchable electronic format that is compatible with the
24 department's automated child support enforcement system.

25 (5) State Case Registry information must be
26 transmitted electronically to the Federal Case Registry of
27 Child Support Orders by the department in a manner and
28 frequency prescribed by the United States Secretary of Health
29 and Human Services.

30 Section 37. Section 61.1826, Florida Statutes, is
31 created to read:

Bill No. CS for SB 2244

Amendment No. ____

1 61.1826 Procurement of services for State Disbursement
2 Unit and the non-Title IV-D component of the State Case
3 Registry; contracts and cooperative agreements; penalties;
4 withholding payment.--

5 (1) LEGISLATIVE FINDINGS.--The Legislature finds that
6 the clerks of court play a vital role, as essential
7 participants in the establishment, modification, collection,
8 and enforcement of child support, in securing the health,
9 safety, and welfare of the children of this state. The
10 Legislature further finds and declares that:

11 (a) It is in the state's best interest to preserve the
12 essential role of the clerks of court in disbursing child
13 support payments and maintaining official records of child
14 support orders entered by the courts of this state.

15 (b) As official recordkeeper for matters relating to
16 court-ordered child support, the clerks of court are necessary
17 parties to obtaining, safeguarding, and providing child
18 support payment and support order information.

19 (c) As provided by the Federal Personal Responsibility
20 and Work Opportunity Reconciliation Act of 1996, the state
21 must establish and operate a State Case Registry in full
22 compliance with federal law by October 1, 1998, and a State
23 Disbursement Unit by October 1, 1999.

24 (d) Noncompliance with federal law could result in a
25 substantial loss of federal funds for the state's child
26 support enforcement program and the temporary assistance for
27 needy families welfare block grant.

28 (e) The potential loss of substantial federal funds
29 poses a direct and immediate threat to the health, safety, and
30 welfare of the children and citizens of the state and
31 constitutes an emergency for purposes of s. 287.057(3)(a).

Bill No. CS for SB 2244

Amendment No. ____

1 (f) The clerks of court maintain the official payment
2 record of the court for amounts received, payments credited,
3 arrearages owed, liens attached, and current mailing addresses
4 of all parties, payor, obligor, and payee.

5 (g) The clerks of court have established a statewide
6 Clerk of Court Child Support Enforcement Collection System for
7 the automation of all payment processing using state and local
8 government funds as provided under s. 61.181(2)(b)1.

9 (h) The Legislature acknowledges the improvements made
10 by and the crucial role of the Clerk of the Court Child
11 Support Enforcement Collection System in speeding payments to
12 the children of Florida.

13 (i) There is no viable alternative to continuing the
14 role of the clerks of court in collecting, safeguarding, and
15 providing essential child support payment information.

16
17 For these reasons, the Legislature hereby directs the
18 Department of Revenue, subject to the provisions of subsection
19 (6), to contract with the Florida Association of Court Clerks
20 and each depository to perform duties with respect to the
21 operation and maintenance of a State Disbursement Unit and the
22 non-Title IV-D component of the State Case Registry as further
23 provided by this section.

24 (2) COOPERATIVE AGREEMENTS.--Each depository shall
25 enter into a standard cooperative agreement with the
26 department for participation in the State Disbursement Unit
27 and the non-Title IV-D component of the State Case Registry
28 through the Clerk of Court Child Support Enforcement
29 Collection System within 60 days after the effective date of
30 this section. The cooperative agreement shall be a uniform
31 document, mutually developed by the department and the Florida

Bill No. CS for SB 2244

Amendment No. ____

1 Association of Court Clerks, that applies to all depositories
2 and complies with all state and federal requirements. Each
3 depository shall also enter into a written agreement with the
4 Florida Association of Court Clerks and the department within
5 60 days after the effective date of this section that requires
6 each depository to participate fully in the State Disbursement
7 Unit and the non-Title IV-D component of the State Case
8 Registry.

9 (3) CONTRACT.--The Florida Association of Court Clerks
10 shall enter into a written contract with the department that
11 fully complies with all federal and state laws within 60 days
12 after the effective date of this section. The contract shall
13 be mutually developed by the department and the Florida
14 Association of Court Clerks. As required by s. 287.057 and 45
15 C.F.R. s. 74.43, any subcontracts entered into by the Florida
16 Association of Court Clerks, except for a contract between the
17 Florida Association of Court Clerks and its totally owned
18 subsidiary corporation, must be procured through competitive
19 bidding.

20 (4) COOPERATIVE AGREEMENT AND CONTRACT TERMS.--The
21 contract between the Florida Association of Court Clerks and
22 the department, and cooperative agreements entered into by the
23 depositories and the department, must contain, but are not
24 limited to, the following terms:

25 (a) The initial term of the contract and cooperative
26 agreements is for 5 years. The subsequent term of the contract
27 and cooperative agreements is for 3 years, with the option of
28 two 1-year renewal periods, at the sole discretion of the
29 department.

30 (b) The duties and responsibilities of the Florida
31 Association of Court Clerks, the depositories, and the

Bill No. CS for SB 2244

Amendment No. ____

1 department.

2 (c) Under s. 287.058(1)(a), all providers and
3 subcontractors shall submit to the department directly, or
4 through the Florida Association of Court Clerks, a report of
5 monthly expenditures in a format prescribed by the department
6 and in sufficient detail for a proper preaudit and postaudit
7 thereof.

8 (d) All providers and subcontractors shall submit to
9 the department directly, or through the Florida Association of
10 Court Clerks, management reports in a format prescribed by the
11 department.

12 (e) All subcontractors shall comply with chapter 280,
13 as may be required.

14 (f) Federal financial participation for eligible Title
15 IV-D expenditures incurred by the Florida Association of Court
16 Clerks and the depositories shall be at the maximum level
17 permitted by federal law for expenditures incurred for the
18 provision of services in support of child support enforcement
19 in accordance with 45 C.F.R., part 74 and Federal Office of
20 Management and Budget Circulars A-87 and A-122 and based on an
21 annual cost allocation study of each depository. The
22 depositories shall submit directly, or through the Florida
23 Association of Court Clerks, claims for Title IV-D
24 expenditures monthly to the department in a standardized
25 format as prescribed by the department. The Florida
26 Association of Court Clerks shall contract with a certified
27 public accounting firm, selected by the Florida Association of
28 Court Clerks and the department, to audit and certify
29 quarterly to the department all claims for expenditures
30 submitted by the depositories for Title IV-D reimbursement.

31 (g) Upon termination of the contracts between the

Bill No. CS for SB 2244

Amendment No. ____

1 department and the Florida Association of Court Clerks or the
2 depositories, the Florida Association of Court Clerks, its
3 agents, and the depositories shall assist the department in
4 making an orderly transition to a private vendor.

5 (h) Interest on late payment by the department shall
6 be in accordance with s. 215.422.

7
8 If either the department or the Florida Association of Court
9 Clerks objects to a term of the standard cooperative agreement
10 or contract specified in subsections (2) and (3), the disputed
11 term or terms shall be presented jointly by the parties to the
12 Attorney General or the Attorney General's designee, who shall
13 act as special master. The special master shall resolve the
14 dispute in writing within 10 days. The resolution of a dispute
15 by the special master is binding on the department and the
16 Florida Association of Court Clerks.

17 (5) PERFORMANCE REVIEWS.--As provided by this
18 subsection, the Office of Program Policy Analysis and
19 Government Accountability shall conduct comprehensive
20 performance reviews of the State Disbursement Unit and State
21 Case Registry. In addition to the requirements of chapter 11,
22 the review must include, but not be limited to, an analysis of
23 state and federal requirements, the effectiveness of the
24 current system in meeting those requirements; a cost analysis
25 of the State Disbursement Unit and the non-Title IV-D
26 component of the State Case Registry; a review and comparison
27 of available alternative methodologies as utilized by other
28 states; and a review of all strategies, including
29 privatization, to increase the efficiency and cost
30 effectiveness of the State Disbursement Unit and the non-Title
31 IV-D component of the State Case Registry. A review must be

Bill No. CS for SB 2244

Amendment No. ____

1 completed and a written report submitted to the Governor,
2 President of the Senate, and the Speaker of the House of
3 Representatives by October 1, 1999, pertaining to the State
4 Case Registry and October 1, 2000, pertaining to the State
5 Disbursement Unit, and every 2 years thereafter beginning
6 October 1, 2002, pertaining to both the State Case Registry
7 and the State Disbursement Unit.

8 (6) CONTRACT TERMINATION.--If any of the following
9 events occur, the department may discontinue its plans to
10 contract, or terminate its contract, with the Florida
11 Association of Court Clerks and the depositories upon 30 days'
12 written notice by the department and may, through competitive
13 bidding, procure services from a private vendor to perform
14 functions necessary for the department to operate the State
15 Disbursement Unit and the non-Title IV-D component of the
16 State Case Registry with a minimum amount of disruption in
17 service to the children and citizens of the state:

18 (a) Receipt by the department of final notice by the
19 United States Secretary of Health and Human Services or the
20 secretary's designee that the contractual arrangement between
21 the department, the Florida Association of Court Clerks, and
22 the depositories, does not satisfy federal requirements for a
23 State Disbursement Unit or a State Case Registry and that the
24 state's Title IV-D State Plan will not be approved, or that
25 federal Title IV-D funding is not made available to fund the
26 non-Title IV-D component of the State Case Registry or the
27 State Disbursement Unit;

28 (b) The Florida Association of Court Clerks, a
29 depository or any subcontractor fails to comply with any
30 material contractual term or state or federal requirement;

31 (c) The non-Title IV-D component of the State Case

Bill No. CS for SB 2244

Amendment No. ____

1 Registry is not established and operational, consistent with
2 the terms of the contract, by October 1, 1998; or

3 (d) The State Disbursement Unit is not established and
4 operational, consistent with the terms of the contract, by
5 October 1, 1999.

6
7 If either event specified in paragraph (a) occurs, the
8 depositories are relieved of all responsibilities and duties
9 under this chapter relating to Title IV-D payment processing
10 and data transmission to the department.

11 (7) PARTICIPATION BY DEPOSITORIES.--

12 (a) Each depository shall participate in the non-Title
13 IV-D component of the State Case Registry by using an
14 automated system compatible with the department's automated
15 child support enforcement system.

16 (b) For participation in the State Disbursement Unit,
17 each depository shall:

- 18 1. Use the CLERC System;
- 19 2. Receive electronically and record payment
20 information from the State Disbursement Unit for each support
21 order entered by the court.

22 (8) TITLE IV-D PROGRAM INCOME.--Pursuant to 45 C.F.R.
23 s. 304.50, all transaction fees and interest income realized
24 by the State Disbursement Unit constitute and must be reported
25 as program income under federal law and must be transmitted to
26 the Title IV-D agency for deposit in the Child Support
27 Enforcement Application and Program Revenue Trust Fund.

28 (9) PENALTIES.--All depositories must participate in
29 the State Disbursement Unit and the non-Title IV-D component
30 of the State Case Registry as provided in this chapter. If a
31 depository fails to comply with this requirement or with any

Bill No. CS for SB 2244

Amendment No. ____

1 material contractual term or other state or federal
2 requirement, the failure constitutes misfeasance which
3 subjects the county officer or officers responsible for the
4 depository to suspension under Article IV of the State
5 Constitution. The department shall report any continuing acts
6 of misfeasance by a depository to the Governor and Cabinet,
7 and to the Florida Association of Court Clerks.

8 (10) WITHHOLDING PAYMENT UNDER CONTRACTS.--If the
9 Florida Association of Court Clerks, its agent, a
10 subcontractor, or a depository does not comply with any
11 material contractual term or state or federal requirement, the
12 department may withhold funds otherwise due under the
13 individual contract with the Florida Association of Court
14 Clerks or the individual cooperative agreement with the
15 depository, or both, at the department's election, to enforce
16 compliance. The department shall provide written notice of
17 noncompliance before withholding funds. Within 10 business
18 days after receipt of written notification of noncompliance,
19 the department must be provided with a written proposed
20 corrective action plan. Within 10 business days after receipt
21 of a corrective action plan, the department shall accept the
22 plan or allow 5 business days within which a revised plan may
23 be submitted. Upon the department's acceptance of a corrective
24 action plan, the agreed-upon plan must be fully completed
25 within 30 business days unless a longer period is permitted by
26 the department. If a proposed corrective action plan is not
27 submitted, is not accepted, or is not fully completed, any
28 funds withheld by the department for noncompliance are
29 forfeited to the department. Withholding or forfeiture of
30 funds may be contested by filing a petition or request for a
31 hearing under the applicable provisions of chapter 120. For

Bill No. CS for SB 2244

Amendment No. ____

1 the purposes of this section, no party to a dispute involving
 2 less than \$5,000 in withheld or forfeited funds is deemed to
 3 be substantially affected by the dispute or to have a
 4 substantial interest in the decision resolving the dispute.

5
 6 (Redesignate subsequent sections.)

7
 8

9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 3, line 16, after the semicolon

12

13 insert:

14 amending s. 61.046, F.S.; revising definitions;
 15 amending s. 61.181, F.S.; providing for
 16 processing of certain central depository
 17 payments through the Department of Revenue's
 18 State Disbursement Unit; continuing a fee
 19 through a specified date; providing for the use
 20 of funds; creating s. 61.1824, F.S.; providing
 21 for a State Disbursement Unit; providing
 22 responsibilities; creating s. 61.1825, F.S.;
 23 providing for operation of a State Case
 24 Registry; providing requirements; creating s.
 25 61.1826, F.S.; providing legislative findings;
 26 providing for department cooperative agreements
 27 and contracts for operation of the State
 28 Disbursement Unit and the non-Title IV-D
 29 component of the State Case Registry; providing
 30 contract requirements; providing for
 31 performance reviews; requiring a report;

Bill No. CS for SB 2244

Amendment No. ____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

providing for termination of contracts under
specified conditions; providing for report of
program income; providing penalties;
authorizing the department to withhold funds
for noncompliance with contractual terms;
requiring notice; providing for a corrective
action plan;