

STORAGE NAME: h4771z.flc
DATE: June 1, 1998

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

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

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

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

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

I. FINAL ACTION STATUS:

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

II. SUMMARY:

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

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

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

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

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

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

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

1. Fee For and Authority to Place Liens

Currently the cost of placing liens on motor vehicles as provided in s. 319.32, Florida Statutes, is \$28.25 for first liens and \$29.25 for subsequent liens. Section 409.2575, Florida Statutes, provides that the director of the child support enforcement program may cause a lien for unpaid and delinquent support to be placed upon motor vehicles and vessels that are registered in the name of an obligor who is delinquent in child support payments, if the title to the property is held by the lienholder and the delinquency exceeds \$600.

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

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

2. Foreclosure

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

3. Multiple Income Deduction Orders

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

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

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

4. State Disbursement Unit

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

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

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

5. Glitches for HB 2031 and WAGES

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

6. Technical Amendments for Federal Welfare Reform

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

B. EFFECT OF PROPOSED CHANGES:

1. Fee For and Authority to Place Liens

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

- (a) \$4.50 for the title transaction

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

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

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

2. Foreclosure

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

3. Multiple Income Deduction Orders

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

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

4. State Disbursement Unit

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

5. Glitches for HB 2031 and WAGES

Present Situation

Effect of Proposed Changes

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

STORAGE NAME: h4771z.flc

DATE: June 1, 1998

PAGE 5

<p>3. Current statute requires that the disclosure of social security numbers collected pursuant to federal welfare reform be limited to the purpose of the administration of the Title IV-D program for child support enforcement. This restrains the Department of Business and Professional Regulation and other state agencies who have access to the New Hire Reporting data from utilizing social security numbers in order to comply with other federal requirements pertaining to those agencies.</p>	<p>3. The bill allows those state agencies who have access to the New Hire Reporting data and the Department of Business and Professional Regulation to use social security numbers collected in order to comply with other federal requirements pertaining specifically to those agencies.</p>
<p>4. Federal welfare reform provides the IV-D agency with the authority to subpoena financial or other information needed to establish, modify or enforce a support order and to impose penalties for failure to respond to a subpoena. Language in HB 2031 does not provide the necessary detail contained in s. 120.569, Florida Statutes, for the enforcement of those administrative subpoenas.</p>	<p>4. The bill cites s. 120.569, Florida Statutes, to provide the procedure for the enforcement of administrative subpoenas.</p>
<p>5. Federal welfare reform requires each party to any paternity or child support proceeding to provide information on location and identity of the party which includes social security number, residential and mailing addresses, telephone number, driver's license number, and name and address of employer. Currently, s. 409.2579, Florida Statutes, does not clearly permit disclosure of this information by the Department of Revenue as required by s. 61.13(9), Florida Statutes.</p>	<p>5. The bill clarifies the language in s. 409.2579, Florida Statutes, to allow the Department of Revenue to provide the identifying and location information to the court as required by s. 61.13(9), Florida Statutes.</p>
<p>6. Federal welfare reform requires the IV-D agency to be responsible for determining the cooperation of applicants for or recipients of public assistance. Current statute does not clearly indicate the IV-D agency's authority to determine cooperation in cases other than TANF cases.</p>	<p>6. The bill clarifies the authority of child support enforcement to determine cooperation in public assistance cases.</p>
<p>7. HB 2031 amended the title of the Child Support Enforcement Application and User Fee Trust Fund to the Child Support Enforcement Application and Program Revenue Trust Fund. Currently, s. 409.2567, Florida Statutes, incorrectly references this trust fund.</p>	<p>7. The bill amends current statute to reflect the correct title of the trust fund.</p>
<p>8. HB 2031 amended s. 409.2561(1), Florida Statutes, to conform with federal policy concerning the establishment of support amounts for persons receiving public assistance. The statute was not fully amended to reflect this change.</p>	<p>8. The bill amends s. 409.2561(1), Florida Statutes, to clarify that payment of public assistance money to, or on behalf of, any dependent child creates an obligation in an amount determined by application of the current child support guidelines in s. 61.30, Florida Statutes, to the applicable period.</p>
<p>9. Section 462(e) of the federal welfare reform act was repealed and s. 443.051(3)(b), Florida Statutes, currently references the repealed section.</p>	<p>9. The bill amends s. 443.051(3)(b), Florida Statutes, to reflect the correct reference.</p>

6. Technical Amendments for Federal Welfare Reform

Present Situation

Effect of Proposed Changes

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

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

B. APPLICATION OF PRINCIPLES:

1. Less Government:

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

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

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

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

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

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

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

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

This section is not applicable to this bill.

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

N/A

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

N/A

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

N/A

2. Lower Taxes:

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

No.

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

No.

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

No.

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

No.

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

No.

3. Personal Responsibility:

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

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

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

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

4. Individual Freedom:

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

No.

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

No.

5. Family Empowerment:

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

This section is not applicable to this bill.

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

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

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

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

- (1) parents and guardians?

No.

- (2) service providers?

No.

- (3) government employees/agencies?

Department of Revenue.

C. STATUTE(S) AFFECTED:

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

D. SECTION-BY-SECTION RESEARCH:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 13. Creates s. 409.2558, Florida Statutes, to provide statutory reference to the federal regulations governing the distribution of child support monies in Title IV-D cases, by the child support enforcement program.

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

Section 15. Amends s. 409.2561, Florida Statutes, to clarify that payment of public assistance made to, or on behalf of, any dependent child creates an obligation in an amount determined by the application of the current child support guidelines in s. 61.30, Florida Statutes, for the applicable period of time. The state shall retain amounts collected only to the extent necessary to reimburse amounts paid to the family as assistance by the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See fiscal comments.

2. Recurring Effects:

See fiscal comments.

3. Long Run Effects Other Than Normal Growth:

See fiscal comments.

4. Total Revenues and Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

Costs to agency to administer the bill:

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

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

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

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

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

VIII. SIGNATURES:

COMMITTEE ON FAMILY LAW AND CHILDREN:

Prepared by:

Legislative Research Director:

Carol E. Preston

Stephanie Olin

FINAL RESEARCH PREPARED BY COMMITTEE ON FAMILY LAW AND CHILDREN:

Prepared by:

Legislative Research Director:

Carol E. Preston

Stephanie Olin