Florida House of Representatives - 1999

By Representatives Rojas, Roberts, Diaz de la Portilla, Feeney, Prieguez, Barreiro, Cantens, Valdes, Cosgrove, Constantine, Logan, Heyman, Sorensen, Betancourt, Garcia, Wilson, Gottlieb and Bainter

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
8	exempt a depository from participation in the
9	automated child support enforcement system;
10	providing exemptions for specified
11	depositories; repealing s. 61.1826(9), F.S.,
12	relating to penalties for depositories that
13	fail to participate in the State Disbursement
14	Unit or the non-title IV-D component of the
15	State Case Registry; providing an effective
16	date.
17	
18	Be It Enacted by the Legislature of the State of Florida:
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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
24	(6)(a)1. When support payments are made through the
25	local depository, any payment or installment of support which
26	becomes due and is unpaid under any support order is
27	delinquent; and this unpaid payment or installment, and all
28	other costs and fees herein provided for, become, after notice
29	to the obligor and the time for response as set forth in this
30	subsection, a final judgment by operation of law, which has
31	the full force, effect, and attributes of a judgment entered
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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.

7 2. A certified copy of the support order and A
8 certified statement by the local depository evidencing a
9 delinquency in support payments <u>constitutes</u> constitute
10 evidence of the final judgment under this paragraph.

11 3. The judgment under this paragraph is a final judgment as to any unpaid payment or installment of support 12 13 which has accrued up to the time either party files a motion 14 with the court to alter or modify the support order, and such judgment may not be modified by the court. The court may 15 16 modify such judgment as to any unpaid payment or installment of support which accrues after the date of the filing of the 17 motion to alter or modify the support order. This 18 19 subparagraph does not prohibit the court from providing relief 20 from the judgment pursuant to Rule 1.540, Florida Rules of Civil Procedure. 21

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,

26 maintenance, and child support payments; fees.--

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(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 1 2 support that the obligor is, or may be, required to pay. 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 б 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 operation of the Clerk of the Court Child Support Enforcement 9 10 Collection System to be operated by the depositories, 11 including the automation of civil case information necessary 12 for the State Case Registry. The department shall contract 13 with the Florida Association of Court Clerks and the 14 depositories to design, establish, operate, upgrade, and maintain the automation of the depositories to include, but 15 16 not be limited to, the provision of on-line electronic transfer of information to the IV-D agency as otherwise 17 required by this chapter. The department's obligation to fund 18 19 the automation of the depositories is limited to the state 20 share of funds available in the Clerk of the Court Child 21 Support Enforcement Collection System Trust Fund. Each 22 depository created under this section shall fully participate in the Clerk of the Court Child Support Enforcement Collection 23 System and transmit data in a readable format as required by 24 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 full participation in 28 the automated child support enforcement system. 29 Notwithstanding any other provision of law, the depositories of Miami-Dade County and Seminole County shall be exempt from 30

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1 compliance with full participation in the automated child support enforcement system. 2 No later than December 31, 1996, moneys to be 3 2. remitted to the department by the depository shall be done 4 5 daily by electronic funds transfer and calculated as follows: For each support payment of less than \$33, 18.75 6 а. 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 For each support payment in excess of \$140, 18.75 с. 11 cents. Prior to June 30, 1995, the depositories and the 12 3. 13 department shall provide the Legislature with estimates of the cost of continuing the collection and maintenance of 14 information required by this act. 15 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 Statutes, is r<u>epealed.</u> 21 This act shall take effect July 1, 1999. 22 Section 4. 23 24 25 HOUSE SUMMARY 26 Removes requirement for a certified copy of the child support order in providing evidence that constitutes a final judgment by operation of law when child support payments made through a local depository are delinquent. Authorizes the Department of Revenue to exempt a depository from participation in the automated child support enforcement system. Provides exemptions for the depositories of Miami-Dade and Seminole Counties Repeal 27 28 29 30 depositories of Miami-Dade and Seminole Counties. Repeals penalties for failure of a depository to participate in the State Disbursement Unit or the non-title IV-D 31 component of the State Case Registry.

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