

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
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.

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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

1 by a court in this state for which execution may issue. No
2 deduction shall be made by the local depository from any
3 payment made for costs and fees accrued in the judgment by
4 operation of law process under paragraph (b) until the total
5 amount of support payments due the obligee under the judgment
6 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 constitutes ~~constitute~~
10 evidence of the final judgment under this paragraph.

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

22 Section 2. Paragraph (b) of subsection (2) of section
23 61.181, Florida Statutes, 1998 Supplement, is amended to read:

24 61.181 Central depository for receiving, recording,
25 reporting, monitoring, and disbursing alimony, support,
26 maintenance, and child support payments; fees.--

27 (2)

28 (b)1. For the period of July 1, 1992, through June 30,
29 2002, the fee imposed in paragraph (a) shall be increased to 4
30 percent of the support payments which the party is obligated
31 to pay, except that no fee shall be more than \$5.25. The fee

1 shall be considered by the court in determining the amount of
2 support that the obligor is, or may be, required to pay.
3 Notwithstanding the provisions of s. 145.022, 75 percent of
4 the additional revenues generated by this paragraph shall be
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
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
15 maintain the automation of the depositories to include, but
16 not be limited to, the provision of on-line electronic
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
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
23 in the Clerk of the Court Child Support Enforcement Collection
24 System and transmit data in a readable format as required by
25 the contract between the Florida Association of Court Clerks
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
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