

By Senator Holzendorf

2-20A-02

1 A bill to be entitled
2 An act relating to dissolution of marriage;
3 amending s. 28.101, F.S.; providing an
4 additional charge when a party petitions for a
5 dissolution of marriage; providing for the
6 disposition of the charge for the payment of a
7 policy of insurance to provide child-support
8 payments when the payor's employment has been
9 involuntarily terminated; providing for
10 selection of insurer by competitive bidding;
11 providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Paragraph (e) is added to subsection (1) of
16 section 28.101, Florida Statutes; to read:

17 28.101 Petitions and records of dissolution of
18 marriage; additional charges.--

19 (1) When a party petitions for a dissolution of
20 marriage, in addition to the filing charges in s. 28.241, the
21 clerk shall collect and receive:

22 (e) A charge of \$50. Monthly, the clerk shall transfer
23 the moneys collected under this paragraph to the authorized
24 insurer or eligible surplus lines insurer, selected under
25 chapter 287, for the issuance of a policy of insurance to
26 provide child-support payments when the payor's employment has
27 been voluntarily terminated. The \$50 charge may be reduced to
28 the actual premium amount for such policy as determined
29 through the competitive-bidding process in chapter 287.

30 1. The policy required by this paragraph must provide
31 for the payment of child-support amounts due to the child or

1 to the child's parent or legal guardian. Payments must be
2 made, after a reasonable waiting period of no longer than 7
3 days, on behalf of the obligated person when the obligated
4 person has become unemployed by reason of involuntary
5 unemployment. As used in this paragraph, the term "involuntary
6 unemployment" means unemployment due to a strike, lockout, or
7 individual or mass layoff, or to loss of income due to
8 business failure or bankruptcy. Payments must be equal to the
9 monthly or weekly support payments and must be paid in
10 accordance with the terms of the divorce decree or other order
11 of the court for the term of involuntary unemployment, but
12 payments may not be made for a period of more than 13 weeks.
13 The 13 weeks need not be consecutive; however, this is the
14 maximum number of weeks payable on behalf of the obligated
15 person for the total of all periods of involuntary
16 unemployment.

17 2. In addition to the costs collected for the payment
18 of the insurance premium, the clerk or the judge may collect
19 an additional fee of \$4 to cover the administrative cost of
20 collecting and transmitting the insurance premium.

21 3. The Department of Management Services shall select
22 an authorized insurer or eligible surplus lines insurer to
23 provide the insurance required under this paragraph, and such
24 selection must comply with the provisions of chapter 287. The
25 department shall notify each county clerk of the insurer or
26 surplus lines insurer selected to provide the insurance and
27 the necessary information for transmittal of the moneys
28 collected to pay the premiums for such insurance.

29 4. The clerk shall furnish to such insurer or surplus
30 insurer the name and address of each person ordered to pay
31 child support and each person entitled to receive such

1 payments. The authorized insurer or surplus lines insurer
2 selected shall furnish a certificate of insurance, an
3 explanation of the coverage, and claim-filing instructions to
4 the person entitled to receive the child-support payments.

5 5. The authorized insurer or surplus lines insurer
6 providing the insurance required under this paragraph is
7 responsible for filing any statutorily required notices that
8 child-support payments are being made by an insurer.

9 Section 2. This act shall take effect October 1, 2002.

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12 SENATE SUMMARY

13 Provides an additional charge of \$50 when a party
14 petitions for a dissolution of marriage. The charge is to
15 pay for a policy of insurance to provide child-support
16 payments when the payor's employment has been
17 involuntarily terminated for specified reasons. Provides
18 for the selection of the insurer by competitive bidding.
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