Bill No. <u>SB 1638</u>

Amendment No. ___   Barcode 815608

CHAMBER ACTION

<u>Senate</u>   <u>House</u>

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11 Senator Lynn moved the following amendment:

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13   **Senate Amendment (with title amendment)**

14   On page 4, line 29, through page 5, line 27, delete

15 those lines

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17 and insert:

18   Section 3. Effective July 1, 2003, subsections (1) and

19 (2) of section 61.181, Florida Statutes, are amended to read:

20   61.181 Depository for alimony transactions, support,

21 maintenance, and support payments; fees.--

22   (1)<u>(a)</u> The office of the clerk of the court shall

23 operate a depository unless the depository is otherwise

24 created by special act of the Legislature or unless, prior to

25 June 1, 1985, a different entity was established to perform

26 such functions. The department shall, no later than July 1,

27 1998, extend participation in the federal child support cost

28 reimbursement program to the central depository in each

29 county, to the maximum extent possible under existing federal

30 law. The depository shall receive reimbursement for services

31 provided under a cooperative agreement with the department

1 pursuant to s. 61.1826. Each depository shall participate in

2 the State Disbursement Unit and shall implement all statutory

3 and contractual duties imposed on the State Disbursement Unit.

4 Each depository shall receive from and transmit to the State

5 Disbursement Unit required data through the Clerk of Court

6 Child Support Enforcement Collection System. Payments on

7 non-Title IV-D cases without income deduction orders shall not

8 be sent to the State Disbursement Unit.

9   <u>(b) Upon request by the Title IV-D agency, the</u>

10 <u>depository created pursuant to paragraph (a) shall establish</u>

11 <u>an account for the receipt and disbursement of support</u>

12 <u>payments for Title IV-D interstate cases. The Title IV-D</u>

13 <u>agency shall provide a copy of the other state's order with</u>

14 <u>the request, and the depository shall advise the Title IV-D</u>

15 <u>agency of the account number in writing within 4 business days</u>

16 <u>after receipt of the request.</u>

17   (2)(a) For payments not required to be processed

18 through the State Disbursement Unit, the depository shall

19 impose and collect a fee on each payment made for receiving,

20 recording, reporting, disbursing, monitoring, or handling

21 alimony or child support payments as required under this

22 section. For non-Title IV-D cases required to be processed by

23 the State Disbursement Unit pursuant to this chapter, the

24 State Disbursement Unit shall, on each payment received,

25 collect a fee, and shall transmit to the depository in which

26 the case is located 40 percent of such service charge for the

27 depository's administration, management, and maintenance of

28 such case. If a payment is made to the State Disbursement Unit

29 which is not accompanied by the required fee, the State

30 Disbursement Unit shall not deduct any moneys from the support

31 payment for payment of the fee. The fee shall be a flat fee

1 based, to the extent practicable, upon estimated reasonable

2 costs of operation. The fee shall be reduced in any case in

3 which the fixed fee results in a charge to any party of an

4 amount greater than 3 percent of the amount of any support

5 payment made in satisfaction of the amount which the party is

6 obligated to pay, except that no fee shall be less than $1 nor

7 more than $5 per payment made. The fee shall be considered by

8 the court in determining the amount of support that the

9 obligor is, or may be, required to pay.

10   (b)1. ~~For the period of July 1, 1992, through June 30,~~

11 ~~2003,~~ The fee imposed in paragraph (a) shall be increased to 4

12 percent of the support payments which the party is obligated

13 to pay, except that no fee shall be more than $5.25. The fee

14 shall be considered by the court in determining the amount of

15 support that the obligor is, or may be, required to pay.

16 Notwithstanding the provisions of s. 145.022, 75 percent of

17 the additional revenues generated by this paragraph shall be

18 remitted monthly to the Clerk of the Court Child Support

19 Enforcement Collection System Trust Fund administered by the

20 department as provided in subparagraph 2. These funds shall

21 be used exclusively for the development, implementation, and

22 operation of the Clerk of the Court Child Support Enforcement

23 Collection System to be operated by the depositories,

24 including the automation of civil case information necessary

25 for the State Case Registry. The department shall contract

26 with the Florida Association of Court Clerks and the

27 depositories to design, establish, operate, upgrade, and

28 maintain the automation of the depositories to include, but

29 not be limited to, the provision of on-line electronic

30 transfer of information to the IV-D agency as otherwise

31 required by this chapter. The department's obligation to fund

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1 | the automation of the depositories is limited to the state

2 | share of funds available in the Clerk of the Court Child

3 | Support Enforcement Collection System Trust Fund. Each

4 | depository created under this section shall fully participate

5 | in the Clerk of the Court Child Support Enforcement Collection

6 | System and transmit data in a readable format as required by

7 | the contract between the Florida Association of Court Clerks

8 | and the department.

9 | 2. Moneys to be remitted to the department by the

10 | depository shall be done daily by electronic funds transfer

11 | and calculated as follows:

12 | a. For each support payment of less than $33, 18.75

13 | cents.

14 | b. For each support payment between $33 and $140, an

15 | amount equal to 18.75 percent of the fee charged.

16 | c. For each support payment in excess of $140, 18.75

17 | cents.

18 | 3. The fees established by this section shall be set

19 | forth and included in every order of support entered by a

20 | court of this state which requires payment to be made into the

21 | depository.

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24 | ================ T I T L E   A M E N D M E N T ================

25 | And the title is amended as follows:

26 | On page 1, line 10, after the semicolon

27 |

28 | insert:

29 | providing for the continuation of a fee;

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