20040084169 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 3157 PG: 495,
09/08/2004 at 02:34 PM, BOB INZER, CLERK OF COURTS

RECORDED IN THE PUBLIC
RECORDS OF LEON CO. FLA.
IN THE BOOK & PAGE IND
JUN 16 9 32 AM 1980
AT THE TIME AND DATE NOTED
PAUL F. HARTSFIELD
CLERK OF CIRCUIT COURT

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 80-9

RE: Central Governmental Depository in Leon County to receive, record and disburse all Court ordered support, alimony, or maintenance payments, pursuant to Florida Statutes 61.181 and Florida Rules of Civil Procedure 1.611(b), and also including orders of support arising in a criminal proceeding

1. This administrative order rescinds Administrative Order Number 75-1, dated March 18, 1975; Amendment to Administrative Order Number 75-1, dated May 12, 1975; and Administrative Order Number 78-11, dated February 27, 1978.

2. Pursuant to authority conferred by Section 61.181, F. S. 1973, and Rule 1.611(b), FRCP, a central governmental depository for Leon County was created to receive, record and disburse all support, alimony or maintenance payments which shall be ordered by any court to be paid arising out of dissolution of marriage or separate maintenance cases pursuant to Chapter 61, Florida Statutes, and out of any other proceedings wherein such payments shall be ordered, including payments ordered arising from any criminal charge of willfully withholding support in violation of Section 856.04, Florida Statutes. However, payments ordered pursuant to the Uniform Reciprocal Enforcement of Support Laws (F. S. Chapter 88) shall continue to be paid through the Clerk of the Circuit Court.

3. The Sheriff of Leon County is designated as the officer to administer the said depository which shall be maintained within the office of said sheriff.

4. In every order or judgment for the payment of support, alimony or maintenance, the depository may be designated to receive and disburse such payments and to pay in addition thereto the fees hereinafter authorized to be charged by the Sheriff.

UNOFFICIAL DOCUMENT
UNOFFICIAL DOCUMENT

5. a. For each payment received pursuant to any order or judgment in paragraph 4 above, the Sheriff shall charge and receive a fee equal to 3% of such payment on amounts up to $65.00 (but no fee shall be less than 35¢) and shall receive a fee of $2.00 on each payment which exceeds $65.00. The new fees authorized shall not be retroactive but shall apply only to those cases in which judgment is entered after the effective date of this order.

b. The amount of each payment is that which is ordered to be paid and the fee is to be computed thereon. Payments made of sums less than ordered shall be accepted and disbursed, but shall be deemed delinquent.

c. For each payment that is late for more than five (5) working days of the Sheriff's Office beyond the date such payment is due, an additional late fee of $1.00 shall be collected from the delinquent party. Such late fees are authorized to help defray the costs of mailing notices/summons and other expenses incurred because of delinquency.

d. All such payments shall be deposited in a special account or fund, out of which the expenses of administration of the depository shall be paid.

6. Each order or judgment of payment in any civil matter shall also contain therein the mailing address of both the person ordered to pay and the person to receive such payments. The office of the State Attorney shall furnish the Sheriff with the mailing address of both the person ordered to pay and the person to receive such payment in criminal cases.

7. a. On or before the fifth working day following the receipt of such payment, the amount of the payment less the fee above mentioned shall be mailed by regular mail, addressed as shown in the order or judgment, or as furnished by the State Attorney, to the person designated to receive the payment.

UNOFFICIAL DOCUMENT

b. Whenever an order in either a criminal or civil case is made for the support of a child or children for whom payments are being made pursuant to law as Aid to Families with Dependent Children through the Department of Health and Rehabilitative Services, then the Department of Health and Rehabilitative Services shall be the recipient of such support payments so long as said child or children shall receive such Aid to Dependent Children.

8. All such payments to the Sheriff shall be by cash, money order, certified or cashier's check.

9. The Sheriff shall keep such records as shall be necessary showing the number of the case, the date, amount of payment, the name of the person making the payment, the name of the person receiving the payment, and the date of disbursement.

10. a. If any person shall fail to make a required payment in a civil case, and be in default thereof for a period of five (5) days, the Sheriff shall mail by registered or certified mail or deliver to the delinquent party, with copy mailed to the person entitled to receive such payments, a Notice/Summons stating the default. Such Notice/Summons shall be substantially as set forth in Exhibit A attached. The Notice shall state the amount in default and a date not to exceed 10 days from date of notice, by which the amount in default shall be paid. It shall further state that if the amount in default is not paid by said date the delinquent party is summoned to appear before the judge on a specified date as indicated in the Notice/Summons.

b. If the matter is a criminal case, then the Sheriff's Office shall send a notice of non-payment to the State Attorney substantially as set forth in attached Exhibit B, with a copy to the recipient. The State Attorney will take whatever action is

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER
GWEN MARSHALL
UNOFFICIAL DOCUMENT

necessary to bring the defendant immediately back into the court.

c. If a case originated as a civil matter and a determination made by the court to make payments through the Sheriff's Office, the Sheriff's Office should be notified by the State Attorney if the case reverts to action under the Uniform Reciprocal Act so that the Sheriff's records will reflect the action taken. The Sheriff's Office should also be notified if any action taken reverts the case back under the jurisdiction of the Sheriff and the amount of arrearage due, if any.

d. If the case is one in which the Department of Health and Rehabilitative Services is the payee, the Sheriff shall send a notice to the Department stating that the payment is in default. Such notice shall be substantially as set forth in attached Exhibit B. The Sheriff's Office shall be responsible for the collection of the payments, disburse the proceeds and maintain the accounts. The Department of Health and Rehabilitative Services shall be responsible for any enforcement action taken.

e. If the person to whom said Notice/Summons is directed refuses to accept the registered or certified mail, the Sheriff shall promptly serve said Notice/Summons upon the party to whom it is directed.

f. The representative of the Sheriff's Office who administers the enforcement of the Child Support Program shall have the authority to work with, counsel and otherwise use discretion to work out a solution for arreage payments when dealing with the parties in child support matters. However, if a complaint is made with the Sheriff's Office about any decisions the representative has made then the case will be referred to the Court and a hearing date set by the Sheriff's Office representative.

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT

11. The fees herein authorized and directed are set pursuant to sub-section (2) of Section 61.181, Florida Statutes, 1973 (Section 1, Chapter 73-112, Laws of Florida, Acts of 1973).

12. Each judge who shall issue such orders or judgments in civil cases is requested to set aside certain specified days and times to hear and dispose of summons provided in paragraph 10.a. above which shall arise out of orders or judgments entered by such judge, and to notify the Sheriff of same so that a proper designation may be made in the Summons of the time and place of such hearings.

13. The preparation and drafting of any written order to be signed by the judge involved, if requested by such judge, may be done by the representative of the Sheriff's Office in the administration of the depository, but the ultimate responsibility for the content and language of a signed order is that of the judge signing same.

14. This Administrative Order shall go into effect immediately.

DONE AND ORDERED in Chambers at Tallahassee, Florida, this 16th day of June, A. D. 1980.

BEN C. WILLIS, CHIEF JUDGE

Copies:

All Circuit Judges, Second Circuit
Clerk of Court, Leon County
Leon County Sheriff
State Attorney
Joe Boyd, HRS Attorney
Doug Messer, HRS District Supervisor

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA

CASE NO. _____

_____
PLAINTIFF

VS.

_____
DEFENDANT

NOTICE/SUMMONS

The support payment you were ordered by the Court to pay into this office on _____, has not been received. (The amount owed is $_____which includes all fees.) If such payment, together with the fees for such late payment, is not received in this office on or before the 10th day after the date of this notice, you are hereby summoned to appear in person before the Honorable _____, Circuit Judge, at his chambers in the Leon County Courthouse, Tallahassee, Florida, on _____, 19____, at the hour of _____ M., and then and there show cause why you should not be held in contempt of court for your failure to make said payment.

If you fail to appear in response to this summons, you will be taken into custody and brought before the Court.

This _____ day of _____, 19____.

Sheriff, Leon County

By _____
Deputy Sheriff

Copies to:

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT

EXHIBIT B

NOTICE

TO:

FROM: Sheriff's Office, Leon County

SUBJECT: Support payments re: _____

DATE:

You are hereby notified that the above captioned subject is in default of the support payments as ordered by the Court. Attached is a copy of the pay record which is forwarded for your information and whatever action you deem necessary.

Attachment

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
GWEN MARSHALL
UNOFFICIAL DOCUMENT