



CIRCUIT COURT

SIXTH JUDICIAL CIRCUIT

STATE OF FLORIDA

DAVID F. PATTERSON
CHIEF JUDGE

January 13, 1987

PINELLAS COUNTY JUDICIAL BUILDING
545 FIRST AVENUE NORTH
ST. PETERSBURG, FLORIDA 33701
(813) 825-1743

The Honorable Parker Lee McDonald
Chief Justice
Supreme Court Building
Tallahassee, Fl 32301-8167

File
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Re: Proposed Amendments: Rules 1.490
and 1.611 Rules Civil Procedure

Dear Judge McDonald:

On January 8, 1987 I appeared before the Court in regard to the proposed amendments to Rules 1.490 and 1.611, as the representative of the Conference of Circuit Judges.

The position of the Conference, as stated, is as follows:

1. If an expedited process for the establishment and enforcement of support is to be created in Florida, that process should come about by court rule as opposed to legislation.
2. Such a process should not be limited to Title IV D matters, thereby requiring the various circuits to maintain dual and inconsistent procedures..
3. The language of 1.490 (c) should be:
 - a. expanded to include modification and enforcement proceedings.
 - b. clarified as to whether or not dissolution of marriage actions are to be included. The rule, as proposed, pertains to causes of action to establish or enforce support while such relief is only ancillary to a cause of action for dissolution of marriage. The language of 1.490 (c) (iv) implies that dissolution proceedings are to be included.
4. That the cost of expedited process should be funded at the State level, taking advantage of the reimbursement provisions of the Federal legislation. I am enclosing for the consideration of the Court cost estimates prepared by my office for the Pinellas County Legislative Delegation during the 1986 session. The requirement of

Rule 1.490 (f) that "evidence shall be taken in writing" and "shall be filed with his report" accounts for a substantial portion of the estimated cost. The fiscal year of counties began on October 1st and I know of no County that has made fund allocations for expedited process.

5. In response to a question by Justice Overton, it is my feeling that the provisions of Rule 1.490 (h) relating to service of the report and exceptions would apply to expedited process as the amendment is now drafted.

6. As to the proposed amendment to Rule 1.611 R.C.P.:

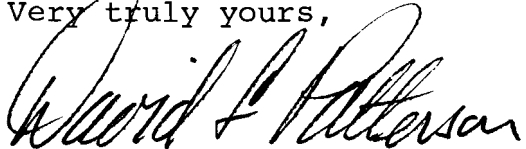
a. The reference to Florida Statutes (1983) Chapter 61.181 should be retained or in the alternative, the provisions of that statute should be translated to court rule. So doing permits the various circuits to establish local enforcement procedures which fall outside the umbrella of services provided by the Title IV D Agency (HRS).

b. The words "administrative order" should be deleted from subsections (2) (iii) and (2) (iv) in that the matters referred to must be set by judicial, not administrative, order.

c. I also note that the term "officer person in charge" in subsection (2) appears to be a typographical error.

In the event the Court desires further input, please so advise me.

Very truly yours,



David F. Patterson
Chairman, Judicial Administration Section,
Conference of Circuit Judges

DFP:hm

Encs.

cc: Justices of Florida Supreme Court
members Judicial Administration Section
members Executive Committee