

IN THE SUPREME COURT OF FLORIDA
TALLAHASSEE, FLORIDA

JAN 6 1987

CLERK, SUPREME COURT

By _____
Deputy Clerk

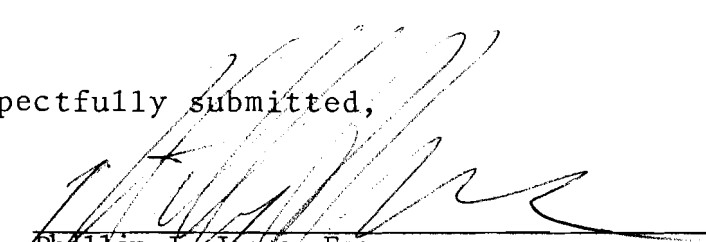
In Re: Proposed Amendment to
Rules 1.490 and 1.611,
Florida Rules of Civil Procedure

69,676

THIS HONORABLE COURT has invited comment on the proposed amendments to Rules 1.490 and 1.611, Florida Rules of Civil Procedure from members of The Bar at large. The Family Law Liaison Subcommittee of the Rules of Civil Procedure Committee respectfully submits the following comments on the amendment proposals by the Circuit Court Judges Conference:

1. The Subcommittee recognizes that the enforcement of support and establishment of temporary support in an expeditious manner is of paramount importance to the public.
2. The Subcommittee makes no recommendation as to whether the appointment of Support Enforcement Masters should be with or without the consent of the parties involved.
3. In the event that this Honorable Court should determine that a rule of civil procedure should be adopted which permits the enforcement of support masters without the consent of the parties involved, then the Subcommittee recommends that this Support Enforcement Master also be permitted to act upon matters of support or maintenance of a spouse or former spouse and that they not be required to accept stipulated agreements by the parties but that the acceptance of agreements be discretionary with the Masters.
4. Attached is a proposed recommended Rule by the Subcommittee which sets forth the above recommendations.
5. As to Rule 1.611, the Subcommittee feels that this agreement is adequately contained in Sections 61.08 and 61.13 of the Florida Statutes.

Respectfully submitted,


Phillip J. Jones, Esq.
Rules of Civil Procedure Committee
Family Law Liaison Subcommittee
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Rule 1.490 Masters

(c) Support Enforcement Masters. The chief judge of each judicial circuit shall appoint support enforcement masters for the circuit or for each county within the circuit as are necessary to expeditiously perform the duties prescribed for them under this rule. Upon the filing of an action or application for the establishment or enforcement of child support or the support or maintenance of a spouse or former spouse the clerk of the court shall refer the action to a support enforcement master. The support enforcement master:

- (i) Shall take testimony and establish a record;
- (ii) Shall evaluate the evidence and promptly make a recommended order to the court for the establishment and enforcement of support.
- (iii) Shall accept voluntary acknowledgment of support liability.
- (iv) Shall Prepare default orders if the obligator does not respond as required by law.
- (V) May accept stipulated agreements setting the amount of support to be paid.

In actions involving issues other than the establishment and enforcement of support, the support enforcement master shall recommend a temporary support obligation and return the unresolved issues to the court. Upon receiving the recommendation of the master, the court shall promptly enter an order.

(d) Reference. No reference shall be to a master, either general or special, without the consent of the parties; except consent is not required for the referral of cases to support enforcement master. When a reference is made to a master, the master, on his own motion, or on application of either party shall ~~either party may set~~ the action for hearing before him.