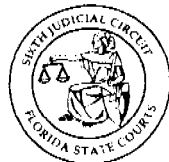


D.A. 6-1-98



FILED

SID J. WHITE

DEC 8 1998

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CLERK, SUPREME COURT

By _____

Chief Deputy Clerk

The Sixth Judicial Circuit of Florida
ADMINISTRATIVE OFFICE OF THE COURTS - FAMILY LAW DIVISION
Office of the General Master
150 5th Street North, Room 230
Saint Petersburg, Florida 33701
(813) 582-7891

November 23, 1998

Mr. Sid J. White, Clerk of the Court
The Supreme Court of Florida
Tallahassee, Florida 32399-1927

89,955

Dear Mr. White:

I understand that the Supreme Court of Florida has encouraged comments regarding changes to Rules 12.610 and 12.615 of the Florida Family Law Rules of Procedure. The following are concerns I have about application of the proposed Rules changes. I would be grateful if you would direct these comments to the appropriate recipient(s).

I believe it would be helpful, from a practical standpoint, if the recent Amendments to the Florida Family Law Rules of Procedure were expanded to address the following questions.

1. Under Rule 12.615(c)(2)(ii), should the writ of bodily attachment state an amount of money that the alleged contemnor may pay to avoid execution of the writ or to be released from custody prior to the court hearing? In other words, when the Sheriff takes the alleged contemnor into custody, should this be considered incarceration such that a "purge" amount should be set? If not, what is the definition of "immediately"? Does "immediately" mean the next scheduled date that the court convenes, or some date that is more immediate?

2. Under Rule 12.610(c)(6), if Injunctions are to be modified by supplemental petition which are to be served by personal service, should the petition then be treated as any other petition under the Family Law Rules, e.g., 20 days to answer, etc., or does the court hear the supplemental petition without delay, after service? Also, if the requested modification will cause the contact between the parties to be more restrictive than it is under the original injunction, may the court enter a temporary modified injunction ex parte in the same way that the original temporary injunction is entered?

Sincerely,

Kay D. Sloan

Kay D. Sloan
General Master
Family Division, Sixth Judicial Circuit
St. Petersburg, Florida