

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO  
THE SUPREME COURT APPROVED  
FAMILY LAW FORMS**

**CASE NO. SC10-1947**

**FLORIDA DEPARTMENT OF REVENUE’S COMMENTS IN  
RESPONSE TO THE AMENDMENTS TO THE  
SUPREME COURT APPROVED FAMILY LAW FORMS**

The Florida Department of Revenue respectfully submits these comments in response to the Amendments to the Supreme Court Approved Family Law Forms that were adopted by the Court on December 2, 2010.

**Form 12.962, Writ of Bodily Attachment.**

The first paragraph of page two of the Writ of Bodily Attachment (Child Support) provides for the purge of contempt by payment of a sum, which may include an amount towards unpaid support, a Sheriff’s fee, and Department of Revenue costs. The Departments submits that the category of “unpaid support” should be revised to read “to be applied to unpaid support.” The current wording could result in confusion for obligors who might mistake “unpaid support” for the total arrearages balance due on the case. The change in wording will clarify to the obligor that the amount is a

purge amount to be applied towards unpaid support and not the total amount of unpaid support.

An additional line for “other” should also be added to the amounts that may be included in the purge. In private support cases not enforced by the Department, a private party may be awarded costs and fees in connection with contempt actions.

Paragraph three of page two provides options for the remittance of purge payments, which include the Clerk of the Circuit Court, the State of Florida Disbursement Unit (SDU), and “other.” The options for the SDU and “other” should be removed. Pursuant to Section 61.11(2)(d), Florida Statutes, purge payments must be forwarded to the appropriate clerk of court. The SDU only processes support payments and does not process cost and fee payments that may be included in the purge payment. If purge payments are sent to the SDU, the SDU will process the entire payment as regular support and it will not issue a written receipt; as a result, the writ will not be extinguished and the obligor will continue to be subject to arrest.

Respectfully submitted this 31st day of January, 2011.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing comments was furnished by regular U.S. Mail to Susan Proctor, Office of Court Improvement, 500 S. Duval Street, Tallahassee, Florida 32399-6556, on this 31st day of January, 2011.

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