

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 5-8.2

**RELATING TO PAYMENT AND ENFORCEMENT
OF CHILD SUPPORT AND ALIMONY**

WHEREAS, this Court, in Administrative Order No. 5-8.0 established procedures in family cases, and

WHEREAS, the Second District Court of Appeal in Hampton v. Adams, 736 So.2d 156 (Fla. 2nd DCA 1999) invalidated certain language included in the Schedule “A” previously promulgated by this Court, and

WHEREAS, Polk County converted to the new statewide support disbursement unit in November, 1999, and

WHEREAS, effective October 1, 2001, the Polk County Clerk of the Circuit Court no longer provides support enforcement services, necessitating certain procedural changes,

NOW THEREFORE, pursuant to the authority vested in me as Chief Judge of the Tenth Judicial Circuit of Florida, it is hereby

ORDERED AND ADJUDGED that

1. Effective immediately, all final judgments in dissolution of marriage proceedings or any other orders involving child support and/or alimony shall conform with the requirements of this administrative order and shall be accompanied by a Schedule “A” which conforms with the requirements set forth below. Every order relating to child support/alimony shall be clearly captioned and identified as affecting child support/alimony. Any order that does not conform to this administrative order shall be returned to the initiator by the office of the judge assigned to the case.

2. All final judgments or other orders requiring payment of child support and/or alimony submitted to the court for signature shall be accompanied by an Income Deduction Order, Notice to Payor, and Statement of Obligor’s Rights. Each Income Deduction Order shall state that it applies to current and future employers and payors of the obligor. The party who is the recipient of the support, or, if represented, that party’s attorney, shall be primarily responsible for mailing to the employer and obligor the Income Deduction Order, Notice to Payor, and Statement of Obligor’s Rights. This section shall not, however, prevent the Obligor or the Obligor’s attorney from mailing to the employer the Income Deduction Order and Notice to Payor and

providing the obligor with the Statement of Obligor's Rights.

3. Periodic payments shall utilize only one of the following schedules:
 - a. weekly
 - b. bi-weekly - i.e., occurring every two weeks
 - c. Semi-monthly - i.e., occurring twice a month (for example, on the 1st and 16th of the month)
 - d. monthly - on the first day of the month if possible, but never after the 28th of the month

4. The beginning date shall be stated in both the body of the order and on Schedule "A." The same date shall be used in both the order and Schedule "A."

5. a. The operative language for payment of child support shall be:

“ _____ shall pay child support to _____ commencing _____ in the amount and method set forth in Schedule "A" attached hereto and incorporated herein.”

- b. The operative language for payment of alimony shall be:

“ _____ shall pay alimony to _____ commencing _____ in the amount and method set forth in Schedule "A" attached hereto and incorporated herein.”

- c. In the event the court finds that the support obligation commenced prior to the hearing date, the following language shall be used in the body of the order:

“ _____ shall pay to _____ the sum of \$ _____ per _____ retroactive to _____.

As of _____, the arrears are established at the amount of \$ _____, which shall be paid according to the following schedule.

Commencing _____, payments on the arrears in the amount of \$ _____ shall be paid each _____ until the arrears balance on the account has been reduced to zero. Said arrearage payments are in addition to ongoing support payments.”

- d. All blanks in the foregoing operative language shall be completed before

submission of the order to the court.

6. Since periodic child support payments are calculated to maintain the child during the year, no credit for periods of visitations shall be allowed UNLESS expressly provided for in the final judgment/order. If child support credit during periods of visitation is provided in the order, such credit will be allowed only upon receipt of an affidavit in the Clerk's Domestic Relations Department from the custodial parent verifying the dates of visitation, followed by a court order providing the Clerk with the specific adjustments to be made to the account.
7. All court orders in which support payments are to be made through the central governmental depository shall contain the following language:

GENERAL PAYMENT INSTRUCTIONS: All payments made pursuant to this Order shall be made payable to the State of Florida State Disbursement Unit, and shall be mailed to:

State of Florida Disbursement Unit
Post Office Box 8500
Tallahassee, Florida 32314-8500

The case number shall be indicated on each payment. No credit for payment will be given to the Obligor for any payment not made payable to the State of Florida State Disbursement Unit. No credit for payment will be given to the Obligor for any payment given directly to the Obligee or Custodial Parent.

8. Provisions for direct payment should be made in the interval between the final hearing and establishment of a depository account. Credit for such payments will be allowed only upon receipt of a credit affidavit in the Domestic Relations Department from the custodial parent verifying payments were made directly during this time frame. After the depository account has been established, no credit for payment will be given for direct payments from the Obligor to the Obligee.
9. Pursuant to §61.181, Florida Statutes, all non-IV-D case obligors shall pay the Clerk's fee of 4% of each payment, with a minimum fee of \$1.25 and a maximum fee of \$5.25 per ordered payment. Pursuant to Section 61.181, Florida Statutes, IV-D cases are not subject to the Clerk's fee.
10. [Schedule "A" shall be in the form of Exhibit "A" attached hereto.](#)
11. Representatives of the Clerk's Domestic Relations Department shall be authorized as custodians of the record to testify as to the information contained in both the Clerk's and the FLSDU computer systems.

12. The Domestic Relations Department is hereby authorized to open sealed pleadings in which the social security numbers of the parties and their minor children are contained in order to include the information on the computer system pursuant to applicable Federal law. The Domestic Relations Department is further authorized to reseal such pleadings once the information is entered into the computer system.
13. This Order supersedes Administrative Order No. 5-8.1 entered July 3, 2002.

DONE and ORDERED in Chambers at Bartow, this 2nd day of June, 2010.

J. DAVID LANGFORD
Chief Judge