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RICHARD M. WEISS, CLERK OF COURT, POLK COUNTY
DEPUTY CLERK B MORRIS

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 5-32.1

CENTRAL GOVERNMENTAL DEPOSITORY

WHEREAS Chapter 61, Florida Statutes, as amended, provides that child support payments and alimony shall be paid through the Central Governmental Depository, and

WHEREAS Chapter 61, Florida Statutes, as amended provides that every order establishing, enforcing or modifying an obligation for child support, alimony or both shall include provisions for income deduction, and

IN ORDER to provide the Court, Clerk of the Circuit Court, counsel and the public with a uniform set of forms and procedures for the direction of payment through the Central Governmental Depository, it is hereby

ORDERED AND DIRECTED that:

1. The following forms, copies of which are attached hereto and incorporated herein, are ratified and approved for use in Polk County, Florida:

- A. Affidavit and Request for Participation in Central Governmental Depository
- B. Income Deduction Order
- C. Notice of Delinquency
- D. Statement of Rights, Remedies and Duties in Regard to Income Deduction Order
- E. Notice to Payor

2. Counsel or other persons responsible for the preparation of any Final Judgment or other order providing for the establishment, enforcement or modification of an obligation for child support, alimony, or both, shall include provisions in the order for income deduction and payment through the Central Governmental Depository. Copies of said orders shall be provided to the Clerk of Courts Domestic Relations Enforcement Department in all cases other than those filed pursuant to Title IV-D of the Social Security Act.

3. In cases filed pursuant to Title IV-D of the Social Security Act, the Department of Revenue shall be responsible for the preparation, service and monitoring of the Notice of Delinquency, Statement or Rights, Remedies and Duties in Regard to Income Deduction Order, Notice to Payor and Income Deduction Order. In all other cases, the Polk County Clerk of the Circuit Court shall be responsible for such preparation, service and monitoring. The Clerk shall continue to impose and collect a fee of \$20.00 against non-IV-D accounts in which income

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deduction is initiated. The Clerk's Office shall remain the agent of the custodial parent for the purpose of obtaining income deduction and support enforcement services in all non-Title IV-D cases except where the custodial parent requests otherwise.

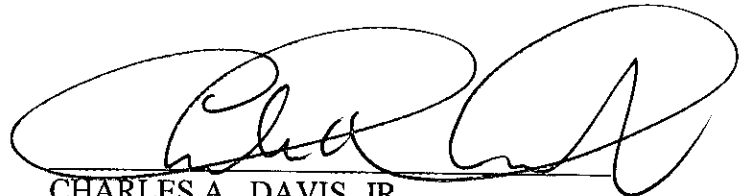
4. All support shall be paid through the Central Governmental Depository. Parties wishing to modify the manner of payment will be directed either to seek the assistance of private counsel or to file a pro se modification action.

5. Income deduction orders shall be implemented no later than the first payment date which occurs more than 14 days after the date the income deduction order was served, and the employer shall conform the amount specified in the income deduction order to the employee's pay cycle.

6. The Court Administrator's Office shall furnish a copy of this order to the members of the Bar in the Tenth Judicial Circuit, the Pro Se Department, and the Department of Revenue, and shall make a copy available to others upon request.

7. Administrative Order 5-32.0 is hereby revoked.

DONE AND ORDERED in Chambers, Bartow, Polk County, Florida, this 4th day of December, 1998.



CHARLES A. DAVIS, JR.
Chief Judge

Distribution:

10th Circuit Bar members
Department of Revenue
Pro Se Division
Polk County Clerk of Courts

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

_____,
Payee,

CASE NO. _____

vs.

DRD NO. _____

_____,
Payor.

AFFIDAVIT AND REQUEST FOR PARTICIPATION
IN CENTRAL GOVERNMENTAL DEPOSITORY

STATE OF FLORIDA

COUNTY OF POLK

Before the undersigned authority personally appeared _____,
who, having been duly sworn, deposes and says:

1. Name of Payor: _____

Phone: _____ Social Security #: _____

Date of Birth: _____

Employer: _____

Other source of income: _____

Attorney for Payor: _____

2. Name of Payee: _____

Phone: _____ Social Security #: _____

Date of Birth: _____

Employer: _____

Other source of income: _____

Attorney for Payee: _____

3. The following named children currently reside with me:

_____ born _____
_____ born _____

- 4. The Order of this Court dated _____, required payor to pay to the payee child support or alimony, the sum of \$ _____ each _____, with the first such payment due on _____.
- 5. Payor is presently in default in these payments and is in arrears in the amount of \$ _____ as of the payment due _____.
- 6. Under Section 61.13, Florida Statutes, affiant now requests participation in the Central Governmental Depository, and requests the payor be notified immediately to make all future payments required by the above-cited Order to the Central Governmental Depository.

DATE: _____

Affiant

The foregoing instrument was acknowledged before me this ____ day of _____, 1997, by _____, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Richard M. Weiss
Clerk of Courts

By: _____
Deputy Clerk

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

Plaintiff/Petitioner,

CASE NO.:

vs.

DRD NO.:

Defendant/Respondent.

NOTICE OF DELINQUENCY

TO: *Defendant*
Defendant address
Defendant town

IN ACCORDANCE WITH CHAPTER 61, FLORIDA STATUTES YOU ARE HEREBY NOTIFIED ON THE FOLLOWING:

1. You were ordered by the Court to pay \$_____ (*amount plus fee*) each _____ for child support, alimony, or both beginning _____.

2. According to the records of the Clerk's Office, you are delinquent in your payments. As of the date of this notice you owe a total of \$_____.

This amount is calculated as follows:

\$_____	Child Support
\$_____	Alimony
\$_____	Child Support Arrearage
\$_____	Collection Fee
\$_____	Total Due

3. The Clerk's Office has authority to release information regarding the delinquency to consumer reporting agencies. You have the right to request a hearing with the Court to contest the accuracy of the information.

4. An Income Deduction Order will therefore become effective and will be served on your employer or payor along with a copy of this Notice of Delinquency unless you request in writing a hearing with the Court (with written notice to the Domestic Relations Enforcement Office), to contest enforcement of the order within 15 days after the date this Notice of

Plaintiff/Petitioner,

vs.

CASE NO.:

DRD NO.:

Defendant/Respondent.

STATEMENT OF RIGHTS, REMEDIES AND DUTIES IN REGARD TO INCOME DEDUCTION ORDER

TO: *Defendant*
Defendant address
Defendant town

The Court has ordered you to pay child support, alimony, or both. Pursuant to Section 61.1301, Florida Statutes, the payments are to be deducted by your employer or payor and forwarded directly by your employer or payor to the Clerk of the Circuit Court for the distribution to the obligee (the person to whom you owe the obligation) of these funds.

The Clerk's fee for the income deduction order is \$20.00.

The total amount of income that will be deducted from your payment is \$_____ every _____. This sum is calculated as follows:

\$ _____	Child Support
\$ _____	Alimony
\$ _____	Arrearage of \$ _____
\$ _____	Clerk's collection fee

The income deduction order applies to current and future employers and payors, and periods of employment.

Your employer or payor will be instructed to deduct the amount of money you have been ordered to pay. The payor shall also be instructed to deduct twenty percent (20%) of that periodic payment to be applied to any arrearage that may have accrued in your case.

Your employer or payor may deduct a fee for administrative costs of up to Five Dollars (\$5.00) for the first periodic payment and up to Two Dollars (\$2.00) for each periodic payment made thereafter (Section 61.13015, Florida Statutes).

You may contest enforcement of the Income Deduction Order in writing pursuant to Chapter 61, Florida statutes, only on the following mistakes of fact: (1) the amount of the obligation; (2) the arrearage amount, or (3) the identity of obligor or identity of obligee. You have 15 days from _____ (date of notice), to file your application to contest the order.

The total amount deducted by your employer or payor from your periodic income payments may not exceed the amounts allowed under Section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. 167(b), as amended. If you support a spouse or dependent child other than those in this case, no more than 55% of your disposable earnings may be deducted per payment. If you do not support anyone other than those persons named in this case, no more than 65% of your disposable earnings may be deducted per payment.

You are required to notify the obligee and the Domestic Relations Enforcement Office within seven days of a change in your address, your employment or your employer's address.

I certify that a true copy of the foregoing was served on _____ (defendant), by _____ (type of service) this _____ day of _____, 1998.

RICHARD M. WEISS, CLERK OF COURTS

BY: _____
DEPUTY CLERK

Delinquency was served. Enforcement of the Income Deduction Order may be contested only on the following grounds:

- a. Mistake of fact regarding the amount of the obligation owed pursuant to a court order
- b. The amount of arrearage
- c. The identity of the payor or identity of the payee

If you pay the amount of the arrearage and provide proof to the Domestic Relations Enforcement Office before the end of the 15 day period that you have done so, then the Notice of Delinquency will not be served, but the Income Deduction Order will still be served.

5. In addition to the amounts due for ongoing support and for the delinquency, you are liable for the administrative fee that your employer is permitted to deduct and retain (\$5.00 for the first deduction and \$2.00 for each subsequent deduction), for the Clerk's initiation fee of \$20.00, and for the Clerk's collection fee.

6. The Income Deduction Order applies to current and subsequent employers or payors.

7. You are required to notify the Domestic Relations Enforcement Office within seven days of changes in your address, your employment and your employer's address.

8. All notices are to be sent to: Richard M. Weiss, Clerk of Courts, Domestic Relations Enforcement, Drawer CC-15, P. O. Box 9000, Bartow, Florida 33831-9000.

BY ORDER OF THE COURT

I CERTIFY THAT A TRUE COPY OF THIS Notice of Delinquency has been served on _____ (*Defendant*) whom this statement is directed by certified mail, return receipt, this _____ day of _____, 1998.

RICHARD M. WEISS, CLERK OF COURTS

BY: _____
DEPUTY CLERK

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

Plaintiff/Petitioner,

CASE NO: _____

vs.

DRD NO: _____

Defendant/Respondent

INCOME DEDUCTION ORDER

TO: *Company*
Company Address
Company Town, current, former or future employer or payor of _____
(*Defendant*), Social Security # _____, Obligor, and all subsequent employers and payors of Obligor.

YOU ARE HEREBY DIRECTED, pursuant to Chapter 61, Florida Statutes, to make regular deductions from all income including but not limited to, present or past employment, commissions and bonuses, retirement benefits, pensions, workers' compensation, dividends, royalties, or trust accounts of _____ (*Defendant*), in accordance with the terms of this Notice and the Notice to Payor.

YOU ARE FURTHER DIRECTED:

1. To deduct from all income due and payable to _____ (*Defendant*), the sum of \$ _____ per _____ for ongoing support, plus the Clerk's fee of \$ _____, for a total of \$ _____ per _____ for the support of the following named dependents:

Child's Name *Child's Date of Birth*
Child's Name *Child's Date of Birth*

The first deduction shall include an additional one-time fee of \$20.00 for the processing of the Income Deduction Order by the Clerk's Office.

2. To send payments to Richard M. Weiss, Clerk of Courts, Domestic Relations Department, Drawer CC-5, P.O. Box 9000, Bartow, FL 33831-9000, within two days of disbursement of said income.

3. Pursuant to the consumer Credit Protection Act, 15. U.S. C., s. 1673(b), as amended, if the Obligor is supporting a spouse or dependent child other than those named in paragraph 1 above, you shall not deduct more than 55% of the Obligor's disposable earnings. If the Obligor is not supporting a spouse or dependent other than those named in Paragraph One above, you shall not deduct more than 65% of the obligor's disposable earnings.

4. To deduct from any bonus, settlement, award or other single one-time payment, which is not defined as disposable earnings, the full amount of arrears due or the remaining balance thereof and forward said amount to the Clerk of Court as defined in Paragraph Two above. The amount of arrearage may be determined by calling the Domestic Relations Department at 534-4514, or by writing to the above address.

ORDERED at Bartow, Polk County, Florida, this _____ day of _____, 1998.

Copies furnished to:
Employer or Payor of Defendant
Domestic Relations Depository and Enforcement

CIRCUIT JUDGE

Plaintiff/Petitioner and Defendant/Respondent
**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

Plaintiff/Petitioner,

CASE NO: _____

vs.

DRD NO: _____

Defendant/Respondent

NOTICE TO PAYOR

TO: *Company Name*
Address
City, State, Zip

AS REQUIRED BY CHAPTER 61, FLORIDA STATUTES, YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:

1. You have been served with an Income Deduction Order for _____, Obligor. This Order must be implemented no later than the first payment date which occurs more than 14 days after you were served with the Order.
2. Payments must be sent to the Domestic Relations Department, Clerk of Courts, Drawer CC-5, P.O. Box 9000, Bartow, FL 33831-9000.
3. You are required to forward the amounts deducted to the depository in Paragraph 2 within two working days after each payment date, and at the same time forward to the depository a statement as to whether the amount deducted totally or partially satisfies the amount specified in the Income Deduction Order. For example: A child support order requires the father to pay monthly. The father's employer distributes paychecks each week. The employer must therefore remit to the Clerk on a weekly pro-rata basis.
4. You must specify the dates for which the deductions have been made. For example, if the check covers a period of two weeks, please note the specific dates, such as November 1, 1997 through November 14, 1997.
5. If you fail to deduct the proper amount from the Obligor's income, you are liable for the amount you should have deducted, plus costs, interest and reasonable attorney's fees.
6. You may withhold and retain up to \$5.00 against the Obligor's income to reimburse you for administrative costs for the first deduction, and up to \$2.00 for each deduction thereafter.
7. You are required to deduct from any bonus, settlement, award or other single one-time payment the full amount of the arrears due or the remaining balance thereof and forward the payment to the governmental depository.
8. The Income Deduction Order and this Notice are binding on you until further notice, or until you no longer provide income to the Obligor.
9. At no time may you stop the deduction solely upon the request of the Obligor.
10. When you no longer provide income to the Obligor, you shall notify the Domestic Relations Enforcement Office at the address in Paragraph 16 below, and shall also provide the Obligor's last known address and the name and address of the Obligor's new payor, if known. If you violate this provision, you are subject to a civil penalty not to exceed \$250 for the first violation, or \$500 for any subsequent violation. Penalties shall be paid to the depository.

11. You shall not discharge, refuse to employ, or take disciplinary action against any person because of an Income Deduction Order. A violation of this provision subjects you to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation. Penalties shall be paid to the depository.

12. The Obligor may bring a civil action in the courts of this state against you if you refuse to employ, discharge, or otherwise discipline him or her because of an Income Deduction Order. The Obligor is entitled to reinstatement, all wages and benefits lost, plus reasonable attorney fees and costs incurred.

13. The Income Deduction Order has priority over all other legal processes under state law pertaining to the same income. Payment, as required by the Income Deduction Order, is a complete defense by you against any claims of the Obligor or his/her creditors as to the sum paid.

14. If you receive Income Deduction Order requiring that the income of two or more Obligors be deducted and sent to the same depository, you may combine the amounts that are to be paid to the depository in a single payment as long as you identify that portion of the payment attributable to each obligor.

15. If you receive more than one Income Deduction Order against the same Obligor, you shall contact the court for further instructions. Upon being so contacted, the court shall allocate amounts available for income deduction, giving priority to current child support obligations up to the limits imposed under s. 303(b) of the consumer Credit Protection Act, 15 U.S.C., s. 1673(b).

16. The address to which notices are to be sent is: Richard M. Weiss, Clerk of Courts, Domestic Relations Enforcement, Drawer CC-15, P.O. Box 9000, Bartow, FL 33831-9000.

BY ORDER OF THE COURT

Richard M. Weiss, Clerk of Courts

By: _____
Deputy Clerk

I certify that a true copy of this Notice to Payor has been served on the person, firm, agency, office or political subdivision to whom this statement is directed by certified mail, return receipt, this _____ day of _____, 1998.

Richard M. Weiss, Clerk of Courts

By: _____
Deputy Clerk