

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2012-029
(Supersedes Administrative Order S-2007-146)**

CENTRAL GOVERNMENTAL DEPOSITORY

Section 61.181, Florida Statutes, authorizes the Clerk of the Circuit Court to operate a depository for receiving and disbursing payments ordered by circuit courts for child support, medical expenses, and alimony. Because of a recent change in federal law, it is necessary to update the procedures established for the receipt and disbursement of support payments in this circuit.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

1. Central Governmental Depository

The office of the Clerk of the Circuit Court (“clerk”) is the Central Governmental Depository in Hillsborough County, Florida (“Depository”) for the purpose of receiving, recording, reporting, disbursing, monitoring and handling child support, medical expenses, and alimony payments in this circuit.

2. Depository Fees

The Depository may impose and collect fees as authorized in chapter 61, Florida Statutes, and as otherwise provided by Florida law.

3. Final Judgments or Income Withholding for Support Orders Directing Payment through the State Disbursement Unit

The obligor, or the obligor’s attorney of record, must provide the Depository with a copy of the final judgment requiring the payment of child support, medical expenses, or alimony through the State Disbursement Unit, the Income Withholding for Support Order, the Florida Addendum to Income Withholding for Support, and the Payment Information Sheet as soon as is practicable following entry of the final judgment. If the provisions of the final judgment conflict with the Income Withholding for Support Order, the clerk will not establish an account until the conflict is resolved by the presiding judge after filing a proper motion.

If a final judgment or Income Withholding for Support Order does not specify a starting date for payment, the clerk will set the starting date within 30 days from the date the order is signed.

The Payment Information Sheet must include the social security number of the

obligor and obligee. If an Income Withholding for Support Order is entered, it must be in the federally mandated form which may be found on the clerk's website (<http://www.hillsclerk.com>) and the Thirteenth Judicial Circuit's website (<http://www.fljud13.org>).

4. Final Judgments or Orders Not Directing Payment through the Depository

If the court determines that payments need not be directed through the State Disbursement Unit initially, every order or final judgment requiring the payment of support, but not including the payment of temporary child support, temporary alimony, or both, must use substantially the following language:

The payments ordered to be paid by the Obligor may be made directly to the Obligee. Either party may subsequently file a sworn Affidavit to Initiate Participation in the Central Governmental Depository Program ("Affidavit") with the Depository for the purpose of having payments made through the State Disbursement Unit. A completed Income Withholding for Support Order, Florida Addendum to the Income Withholding for Support, and Payment Information Sheet must be submitted to the presiding judge, along with a copy of the Affidavit filed with the Depository and copies and self-addressed stamped envelopes for mailing out the conformed copies.

When copies of the final judgment, or order of support, the Income Withholding for Support Order, the Florida Addendum to the Income Withholding for Support, and the Affidavit, are provided to the Depository, the Depository shall establish the account making the first payment due no later than 30 days after the entry of such order and notify the obligor and obligee that all future payments are to be made through the State Disbursement Unit.

5. Frequency of Payment

Support amounts ordered by the court are payable through the State Disbursement Unit on a bi-weekly, semi-monthly, monthly, bi-monthly, quarterly, semi-annual or annual basis.

In cases where the court has ordered payments to be made through the State Disbursement Unit, the obligee and obligor may submit to the Depository a sworn Affidavit to Modify Payment Frequency by Parties for the sole purpose of changing the payment frequency of a support obligation, unless otherwise prohibited by the final judgment or court order. The original Affidavit to Modify Payment Frequency by Parties shall be filed in the court file. In cases where an Income Withholding for Support Order has been entered, the obligor's payor (employer) may submit to the Depository a sworn

Affidavit to Modify Payment Frequency by Payor for the sole purpose of changing the payment frequency of a support obligation to reflect the payroll schedule used by the employer, unless otherwise prohibited by the final judgment or court order. The original Affidavit to Modify Payment Frequency by Payor must be filed in the court file.

Notwithstanding the foregoing, the clerk will have the authority to change the assessment date established in the final judgment or court order so that the assessment date corresponds to the payment frequency used by the obligor's employer.

6. Prioritization of Payments

Unless otherwise designated in the final judgment or court order, payments received by the State Disbursement Unit will be applied in the following order: child support, child support arrears, alimony, alimony arrears, medical expenses.

7. Delinquent Support Payments

Delinquent support payments shall become a final judgment by operation of law against the obligor as provided by section 61.14, Florida Statutes. The obligor may satisfy a final judgment by paying the total amount certified in a Depository issued Payoff Statement, including the judgment amount, interest, Depository fees and any unpaid amount which has accrued subsequent to the date of issuance. Obligees may file a notarized statement with the Depository that waives statutory interest. Even if the final judgment is vacated by the court, the obligor remains responsible for all outstanding Depository fees and court fees previously accrued. Where execution on the final judgment has been issued, and where the sheriff has received money under execution, the sheriff shall pay the amount received to the Depository, minus any costs authorized by law to be retained by the sheriff.

8. Forms

Payment Information Sheets, the Income Withholding for Support Order, and other forms relating to the Depository may be obtained from the clerk's website (<http://www.hillsclerk.com>) and the Thirteenth Judicial Circuit's website (<http://www.fljud13.org>).

9. Confidential Information

In accordance with Florida Rule of Judicial Administration 2.420(d)(2), any person filing any document containing confidential information – including a party's social security number – shall, at the time of filing, file a Notice of Confidential Information Within Court Filing with the clerk. Notwithstanding a filer's responsibility under Rule 2.420(d)(2), the clerk is directed to comply with all Florida laws and rules of court pertaining to the processing and maintenance of confidential information.

10. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2007-146 (*Central Governmental Depository*).

11. Effective Date

This administrative order is effective May 31, 2012.

It is ORDERED in Tampa, Hillsborough County, Florida, on this 31st day of May, 2012.

A handwritten signature in black ink, appearing to read 'Manuel Menendez, Jr.', written over a horizontal line.

Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of Circuit Court
Copy to: All Domestic Relations/Family Law Judges
Central Governmental Depository
Office of Child Support Enforcement
Department of Revenue