

By the Committee on Banking and Insurance; and Senators Jones and Silver

311-2104-00

1 A bill to be entitled
2 An act relating to child support; amending s.
3 61.14, F.S.; requiring judges of compensation
4 claims to consider the interests of the worker
5 and the worker's family when approving
6 settlements of workers' compensation claims;
7 requiring appropriate recovery of any
8 child-support arrearage from those settlements;
9 amending s. 61.30, F.S.; providing that gross
10 income includes all workers' compensation
11 benefits and settlements; amending s. 440.20,
12 F.S.; requiring judges of compensation claims
13 to consider the interests of the worker and the
14 worker's family when approving settlements of
15 workers' compensation claims; requiring
16 appropriate recovery of child-support arrearage
17 from those settlements; providing an effective
18 date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsection (8) of section 61.14, Florida
23 Statutes, is amended to read:

24 61.14 Enforcement and modification of support,
25 maintenance, or alimony agreements or orders.--

26 (8)(a) When reviewing any settlement of lump-sum
27 payment pursuant to s. 440.20(11)(a) and (b), judges of
28 compensation claims shall consider the interests of the worker
29 and the workers' family when approving the settlement, which
30 must consider and provide for appropriate recovery of
31 child-support arrearage.

1 **(b)** Notwithstanding the provisions of s. 440.22, any
2 compensation due or that may become due an employee under
3 chapter 440 is exempt from garnishment, attachment, execution,
4 and assignment of income, except for the purposes of enforcing
5 child or spousal support obligations.

6 Section 2. Paragraph (a) of subsection (2) of section
7 61.30, Florida Statutes, is amended to read:

8 61.30 Child support guidelines; retroactive child
9 support.--

10 (2) Income shall be determined on a monthly basis for
11 the obligor and for the obligee as follows:

12 (a) Gross income shall include, but is not limited to,
13 the following items:

14 1. Salary or wages.

15 2. Bonuses, commissions, allowances, overtime, tips,
16 and other similar payments.

17 3. Business income from sources such as
18 self-employment, partnership, close corporations, and
19 independent contracts. "Business income" means gross receipts
20 minus ordinary and necessary expenses required to produce
21 income.

22 4. Disability benefits.

23 5. All worker's compensation benefits and settlements.

24 6. Unemployment compensation.

25 7. Pension, retirement, or annuity payments.

26 8. Social security benefits.

27 9. Spousal support received from a previous marriage
28 or court ordered in the marriage before the court.

29 10. Interest and dividends.

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1 11. Rental income, which is gross receipts minus
2 ordinary and necessary expenses required to produce the
3 income.

4 12. Income from royalties, trusts, or estates.

5 13. Reimbursed expenses or in kind payments to the
6 extent that they reduce living expenses.

7 14. Gains derived from dealings in property, unless
8 the gain is nonrecurring.

9 Section 3. Paragraph (d) is added to subsection (11)
10 of section 440.20, Florida Statutes, to read:

11 440.20 Time for payment of compensation; penalties for
12 late payment.--

13 (11)

14 (d) When reviewing any settlement of lump-sum payment
15 pursuant to this subsection, judges of compensation claims
16 shall consider the interests of the worker and the worker's
17 family when approving the settlement, which must consider and
18 provide for appropriate recovery of child-support arrearage.

19 Section 4. This act shall take effect July 1, 2000.

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 Senate Bills 1032 and 2228

24 Amends ss. 61.14 and 440.20, F.S., to provide that when Judges
25 of Compensation Claims (JCCs) review lump-sum workers'
26 compensation payment settlements, they shall consider the
27 interests of the worker and the workers' family when approving
28 the settlement. Such settlement must provide for appropriate
29 recovery of child support arrearages.

30 Deletes the provision in s. 61.13, F.S., that the prohibition
31 of creditors claims as to workers' compensation benefits does
not apply to claims of child support because s. 61.14(8),
F.S., currently provides for this exception.