

By the Committee on Law Enforcement & Crime Prevention and Representative Sobel

1                                   A bill to be entitled  
2           An act relating to writs of bodily attachment;  
3           amending s. 61.11, F.S.; providing for a writ  
4           of bodily attachment to be served on any day  
5           and at any time; authorizing a law enforcement  
6           officer to use reasonable force to enter a  
7           building and to take a person into custody  
8           pursuant to such a writ; providing an effective  
9           date.

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

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13           Section 1. Subsection (2) of section 61.11, Florida  
14 Statutes, is amended to read:

15           61.11 Writs.--

16           (2)(a) When the court issues a writ of bodily  
17 attachment in connection with a court-ordered child support  
18 obligation, the writ or attachment to the writ must include,  
19 at a minimum, such information on the respondent's physical  
20 description and location as is required for entry of the writ  
21 into the Florida Crime Information Center telecommunications  
22 system and authorization for the assessment and collection of  
23 the actual costs associated with the service of the writ and  
24 transportation of the respondent in compliance thereof. The  
25 writ shall direct that service and execution of the writ may  
26 be made on any day of the week and any time of the day or  
27 night.

28           (b) The clerk of the court shall forward a copy of the  
29 writ for service to the sheriff of the county in which the  
30 writ is issued.

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1           (c) Upon receipt of a writ from the clerk of the  
2 court, the sheriff shall enter the information on any unserved  
3 writ into the Florida Crime Information Center  
4 telecommunications system to make the information available to  
5 other law enforcement agencies within the state. The writ  
6 shall be enforceable in all counties of the state.

7           (d) A writ of bodily attachment may be served and  
8 executed on any day of the week and at any time of the day or  
9 night. If any law enforcement officer fails to gain admittance  
10 to the building or property where the subject of the writ is  
11 reasonably believed to reside after the officer has announced  
12 her or his authority and purpose in order to execute a writ of  
13 bodily attachment, the officer may use all necessary and  
14 reasonable force to enter the building or property and may use  
15 all necessary and reasonable force to take custody of the  
16 person who is subject of the writ.

17           (e)~~(d)~~ Upon receipt of the purge payment, the  
18 receiving agency shall provide the subject with a written  
19 receipt acknowledging such payment, which must be carried on  
20 the person of the respondent for a period of at least 30 days  
21 from the date of payment as proof of such payment. A sheriff  
22 receiving such payment shall forward the funds to the sheriff  
23 who entered the information about the writ into the Florida  
24 Crime Information Center telecommunications system and who  
25 shall forward the funds to the appropriate clerk of court.

26           (f)~~(e)~~ After a writ is modified, purged, recalled,  
27 terminated, or otherwise rendered ineffective by ruling of the  
28 court, the clerk of the court shall notify the sheriff  
29 receiving the original writ. That agency shall modify or  
30 cancel the entry in the Florida Crime Information Center  
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1 telecommunications system in accordance with such  
2 notification.

3           Section 2. This act shall take effect upon becoming a  
4 law.

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