

By the Committee on Children and Families; and Senator Geller

300-1786-00

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

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

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

61.11 Writs.--

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

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

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 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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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
7 COMMITTEE SUBSTITUTE FOR  
8 Senate Bill 752

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10 - Removes the provision of criminal and civil immunity to  
11 law enforcement officers executing a writ of bodily  
12 attachment, pursuant to s. 61.11(2).  
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14 - Requires that law enforcement officers announce their  
15 authority and purpose prior to using reasonable force to  
16 enter a building or property to execute the writ.  
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18 - Modifies the law enforcement officers' ability to use  
19 necessary and reasonable force to enter any building or  
20 property to only apply to the building or property where  
21 the person who is subject of the writ is reasonably  
22 believed to reside.  
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24 - Clarifies that reasonable and necessary force can be  
25 used to take custody of a person who is subject of the  
26 writ.  
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