

By Senator Joyner

18-01618A-10

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1 A bill to be entitled

2 An act relating to the protection of property subject
3 to bankruptcy or other proceedings; amending s.
4 222.201, F.S.; expanding the list of property eligible
5 for exemption by an individual debtor under the
6 Bankruptcy Reform Act of 1978 to include alimony,
7 support, or separate maintenance already received;
8 amending s. 61.046, F.S.; providing that child support
9 is held in trust for any children for whom such
10 support is intended and is not considered property of
11 the recipient; providing an effective date.
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13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Subsection (1) of section 222.201, Florida
16 Statutes, is amended to read:

17 222.201 Availability of federal bankruptcy exemptions.—

18 (1) Notwithstanding s. 222.20, an individual debtor under
19 the federal Bankruptcy Reform Act of 1978 may exempt, in
20 addition to any other exemptions allowed under state law, any
21 property listed in:

22 (a) Subsection (d)(10) of s. 522 of that act; and

23 (b) With respect to subsection (d)(10)(D) of s. 522 of that
24 act, alimony, support, or separate maintenance that has already
25 been received, to the extent reasonably necessary for the
26 support of the debtor or any dependent of the debtor.

27 Section 2. Subsection (22) of section 61.046, Florida
28 Statutes, is amended to read:

29 61.046 Definitions.—As used in this chapter, the term:

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30 (22) "Support," unless otherwise specified, means:

31 (a) Child support and, when the child support obligation is
32 being enforced by the Department of Revenue, spousal support or
33 alimony for the spouse or former spouse of the obligor with whom
34 the child is living.

35 (b) Child support only in cases not being enforced by the
36 Department of Revenue.

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38 Child support is held in trust for any children for whom such
39 support is intended and such support is not the property of the
40 recipient.

41 Section 3. This act shall take effect July 1, 2010.