

By Senator Berman

31-01982-19

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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 61.046, F.S.; providing that child support is held in
5 trust for any child for whom such support is intended
6 and is not considered property of the recipient;
7 amending s. 222.201, F.S.; expanding the list of
8 property eligible for exemption by an individual
9 debtor under the Bankruptcy Reform Act of 1978, as
10 amended, to include alimony, support, or separate
11 maintenance already received; providing an effective
12 date.

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

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16 Section 1. Subsection (22) of section 61.046, Florida
17 Statutes, is amended to read:

18 61.046 Definitions.—As used in this chapter, the term:

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

20 (a) Child support and, when the child support obligation is
21 being enforced by the Department of Revenue, spousal support or
22 alimony for the spouse or former spouse of the obligor with whom
23 the child is living.

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

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27 Child support is held in trust for any child for whom such
28 support is intended and such support is not the property of the
29 recipient.

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30 Section 2. Subsection (1) of section 222.201, Florida
31 Statutes, is amended to read:

32 222.201 Availability of federal bankruptcy exemptions.—

33 (1) Notwithstanding s. 222.20, an individual debtor under
34 the federal Bankruptcy Reform Act of 1978, as amended, may
35 exempt, in addition to any other exemptions allowed under state
36 law, any property listed in:

37 (a) Paragraph ~~Subsection~~ (d) (10) of s. 522 of that act; and

38 (b) With respect to subparagraph (d) (10) (D) of s. 522 of
39 that act, alimony, support, or separate maintenance that has
40 already been received, to the extent reasonably necessary for
41 the support of the debtor or any dependent of the debtor.

42 Section 3. This act shall take effect July 1, 2019.