

STORAGE NAME: h0753.cfe

DATE: March 25, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CHILDREN AND FAMILY EMPOWERMENT
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 753

RELATING TO: Suspension of driver's licenses and motor vehicle registrations

SPONSOR(S): Representative Lynn

STATUTE(S) AFFECTED: Section 61.13016, F.S.

COMPANION BILL(S): SB 106 [Compare]

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CHILDREN AND FAMILY EMPOWERMENT
- (2) FAMILY LAW AND CHILDREN
- (3)
- (4)
- (5)

I. SUMMARY:

This bill changes notification requirements and the time period for response to the notice to delinquent child-support obligors which indicate the intent to suspend the obligor's driver's license and motor vehicle registration(s) if the obligor does not pay the delinquency, enter into a payment agreement or file a motion to contest. Notice would be by regular United States mail, sent to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles. The response period would be within 20 days after the mailing date of the notice.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

In 1993, Florida law authorized the suspension of drivers' licenses to collect part due child support through a judicial process. As Florida's designated Title IV-D Agency for child support enforcement, the Department of Revenue (DOR) began pursuing the suspension of drivers' licenses of parents who failed to meet their child support obligation.

Continued focus on program improvements led lawmakers to amend the existing driver's license suspension law by eliminating the judicial requirements and creating an administrative process effective July 1, 1995. The new process empowers DOR with authority to request suspension of a delinquent parent's driver's license by the Department of Highway Safety and Motor Vehicles (DHSMV), thereby eliminating the previous requirement to file a petition in court to suspend the license.

The three necessary elements required prior to initiating a suspension are: 1) court ordered child support; 2) delinquency in the support obligation; and 3) a license to operate a motor vehicle in Florida.

Child support cases are divided into two categories, IV-D and non-IV-D. The IV-D cases are those enforced by the IV-D agency, the Department of Revenue (DOR), pursuant to Title IV-D of the Social Security Act. DOR enforces cases under two circumstances: where the custodial parent receives public assistance and where the custodial parent requests DOR's services. Non-IV-D cases are those enforced by private attorneys.

Section 61.13016, F.S., authorizes either DOR, the depository, or the clerk of the court to provide notice to a delinquent child support obligor the intent to suspend his or her driver's license and registration if the obligor does not meet the terms specified in the notice within 15 days after receipt of the notice. In non-IV-D cases, the statute requires that the notice be sent by certified mail. In IV-D cases, DOR's rules require that it send the notice by certified mail [Fla. Admin. Code R. 12e-1.023]. If the obligor does not receive the notice or does not sign for the certified mail, then the Title IV-D agency, depository, or clerk of the court cannot file notice with the Department of Highway Safety and Motor Vehicles (DHSMV) requesting the suspension of the obligor's driver's license and registration.

DHSMV, upon receiving notice from the clerk of the court, depository or Title IV-D agency of the obligor's failure to comply with s. 61.13016, F.S., currently suspends the driver's license and motor vehicle registration in accordance with ss. 322.058 and 322.245, F.S. Section 322.245, (3), F.S., requires the department to immediately issue an order suspending the person's driver's license and privilege to drive effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and(6), F.S.

According to a report by the Department of Revenue Child Support Enforcement Program, from July 1, 1995 through December 31, 1996 there were 14,299 driver

license suspension initiations. During this same time period 3,262 licenses were suspended.

B. EFFECT OF PROPOSED CHANGES:

This bill changes notification requirements and the time period for response to the notice to delinquent child-support obligors which indicate the intent to suspend the obligor's driver's license and motor vehicle registration(s) if the obliger does not pay the delinquency, enter into a payment agreement or file a motion to contest within 20 days. Notice would be by regular United States mail, sent to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles. The response period would be within 20 days after the mailing date of the notice.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. *Does the bill create, increase or reduce, either directly or indirectly:*

i. *Any authority to make rules or adjudicate disputes?*

No

ii. *Any new responsibilities, obligations or work for other governmental or private organizations or individuals?*

No

iii. *Any entitlement to a government service or benefit?*

No

b. *If an agency or program is eliminated or reduced:*

i. *What responsibilities, costs and powers are passed on to another program, agency, level or government, or private entity?*

N/A

ii. *What is the cost of such responsibility at the new level/agency?*

N/A

iii. *How is the new agency accountable to the people governed?*

N/A

2. Lower Taxes:

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a. *Does the bill increase anyone's taxes?*

No

b. *Does the bill require or authorize an increase in any fees?*

No

c. *Does the bill reduce total taxes, both rates and revenues?*

No

d. *Does the bill reduce total fees, both rates and revenues?*

No

e. *Does the bill authorize any fee or tax increase by any local government?*

No

3. Personal Responsibility:

a. *Does the bill reduce or eliminate an entitlement to government services or subsidy?*

No

b. *Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?*

N/A

4. Individual Freedom:

a. *Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?*

N/A

b. *Does the bill prohibit, or create new government interference with, any presently lawful activity?*

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

i. *Who evaluates the family's needs?*

N/A

ii. *Who makes the decisions?*

N/A

iii. *Are private alternatives permitted?*

N/A

iv. *Are families required to participate in a program?*

N/A

v. *Are families penalized for not participating in a program?*

N/A

b. *Does the bill directly affect the legal rights and obligations between family members?*

No

c. *If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:*

i. *Parents and guardians?*

N/A

ii. *Services providers?*

N/A

iii. *Government employees/agencies?*

N/A

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 61.13016, F.S.

This section amends s. 61.13016, F.S., to authorize DOR, the depository, or the clerk of the court to serve notice to the delinquent child support obligor by regular United States mail rather than certified mail. The notice is to be sent to the last address of record with the Department of Highway Safety and Motor Vehicles, not the obligor's last address of record as maintained by the local depository.

Increases the period for the obligor to respond to the notice from 15 days after receipt of the notice to 20 days after mailing of the notice.

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Deletes language requiring DOR to submit a report describing the measured results and effectiveness of the driver's license suspension process for IV-D cases to the Senate and House of Representatives by February 1, 1997. DOR is in the process of finishing this report.

Section 2. Provides an effective date of July 1, 1997

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise and Employment Markets:

None

D. FISCAL COMMENTS:

DOR, the depositories, and the clerks of court should realize savings from serving the notices by regular mail instead of certified mail.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

THE BILL MIGHT REQUIRE AMENDMENT TO S. 322.245, F.S., TO CONFORM THIS SECTION TO THE NEW 20 DAY PERIOD DELINEATED IN THIS BILL.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

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VII. SIGNATURES:

COMMITTEE ON CHILDREN AND FAMILY EMPOWERMENT:

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