

By Representative Lynn

1 A bill to be entitled
2 An act relating to the suspension of driver's
3 licenses and motor vehicle registrations;
4 amending s. 61.13016, F.S.; specifying
5 requirements for giving a delinquent
6 child-support obligor notice of delinquency and
7 intent to suspend; providing an effective date.

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

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11 Section 1. Section 61.13016, Florida Statutes, is
12 amended to read:

13 61.13016 Suspension of driver's licenses and motor
14 vehicle registrations.--

15 (1) The driver's license and motor vehicle
16 registration of a child support obligor who is delinquent in
17 payment may be suspended. Upon a delinquency in child support
18 in IV-D cases, the Title IV-D agency may provide ~~serve~~ notice
19 to ~~on~~ the obligor of the delinquency and the intent to suspend
20 by regular United States mail that is posted to the obligor's
21 last address of record with the Department of Highway Safety
22 and Motor Vehicles ~~as provided under s. 322.245~~. Upon a
23 delinquency in child support in non-IV-D cases, and upon the
24 request of the obligee, the depository or the clerk of the
25 court must provide ~~serve~~ notice to ~~by certified mail, return~~
26 ~~receipt requested,~~ on the obligor of the delinquency and the
27 intent to suspend by regular United States mail that is posted
28 to the obligor's last address of record with the Department of
29 Highway Safety and Motor Vehicles ~~as provided under s.~~
30 ~~322.245~~. In either case, the notice must state:

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1 (a) The terms of the order creating the child support
2 obligation;

3 (b) The period of the delinquency and the total amount
4 of the delinquency as of the date of the notice;

5 (c) That notification will be given to ~~The intent of~~
6 ~~the Title IV-D agency in IV-D cases or the depository or clerk~~
7 ~~of the court in non-IV-D cases to notify~~ the Department of
8 Highway Safety and Motor Vehicles to suspend the obligor's
9 driver's license and motor vehicle registration unless, within
10 20 ±5 days after the date receipt ~~of~~ the notice is mailed, the
11 obligor:

12 1. Pays the delinquency in full;

13 2. Enters into a written agreement for payment with
14 the obligee in non-IV-D cases or with the Title IV-D agency in
15 IV-D cases; or

16 3. Files a petition with the circuit court to contest
17 the delinquency action.

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19 If the obligor in non-IV-D cases enters into a written
20 agreement for payment before ~~prior to~~ the expiration of the
21 20-day ±5-day period, he must provide a copy of the signed
22 written agreement to the depository or the clerk of the court.

23 (2) If the obligor does not, within 20 ±5 days after
24 the mailing date on receipt ~~of~~ the notice, pay the
25 delinquency, enter into a payment agreement, or file a motion
26 to contest, the Title IV-D agency in IV-D cases, or the
27 depository or clerk of the court in non-IV-D cases, shall file
28 the notice with the Department of Highway Safety and Motor
29 Vehicles and request the suspension of the obligor's driver's
30 license and motor vehicle registration in accordance with s.
31 322.058.

1 (3) The obligor may, within 20 ~~15~~ days after the
2 mailing date on the receipt of a notice of delinquency and
3 intent to suspend, file in the circuit court a petition to
4 contest the notice of delinquency and intent to suspend on the
5 ground of mistake of fact regarding the existence of a
6 delinquency or the identity of the obligor. The obligor must
7 serve a copy of the petition on the Title IV-D agency in IV-D
8 cases or depository or clerk of the court in non-IV-D cases.
9 When an obligor timely files a petition to contest, the court
10 must hear the matter within 15 days after the petition is
11 filed. The court must enter an order resolving the matter
12 within 10 days after the hearing, and a copy of the order must
13 be served on the parties. The timely filing of a petition to
14 contest stays the notice of delinquency and intent to suspend
15 until the entry of a court order resolving the matter.

16 ~~(4) The Title IV-D agency shall submit a report that~~
17 ~~describes the measured results and effectiveness of the~~
18 ~~driver's license suspension process set forth in this section~~
19 ~~for IV-D cases to the Senate and the House of Representatives~~
20 ~~by February 1, 1997.~~

21 Section 2. This act shall take effect July 1, 1997.

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24 SENATE SUMMARY

25 Amends requirements for giving to delinquent
26 child-support obligors notice of delinquency and intent
27 to suspend the obligor's driver's license and motor
28 vehicle registration.
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