

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Judicial Oversight offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Section 827.06, Florida Statutes, is amended to read:

827.06 ~~Persistent~~ Nonsupport of dependents.--

(1) Any person who, after notice, and who has been previously adjudged in contempt for failure to comply with a support order, willfully fails to provide support which he or she has the ability ~~is able~~ to provide to a child ~~children~~ or a spouse whom the person ~~knows he or she~~ is legally obligated to support ~~commits, and over whom no court has jurisdiction in any proceedings for child support or dissolution of marriage, shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In lieu of any punishment imposed pursuant to s. 775.082 or s. 775.083, any person who is convicted of a violation of this subsection shall be punished:

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- 1           (a) By a fine to be paid after restitution for:  
2            1. Not less than \$250 or more than \$500 for a first  
3 conviction.  
4            2. Not less than \$500 or more than \$1,000 for a second  
5 conviction.  
6            3. Not less than \$1,000 or more than \$1,500 for a  
7 third conviction; and  
8           (b) By imprisonment for:  
9            1. Not less than 15 days or more than 1 month for a  
10 first conviction.  
11           2. Not less than 1 month or more than 3 months for a  
12 second conviction.  
13           3. Not less than 3 months or more than 6 months for a  
14 third conviction.  
15           (2) Any person who is convicted of a fourth or  
16 subsequent violation of subsection (1) or who willfully fails  
17 to provide child or spousal support for more than 1 year in an  
18 amount equal to or greater than \$5,000 commits a felony of the  
19 third degree, punishable as provided in s. 775.082, s.  
20 775.083, or s. 775.084.  
21           (3) Upon a conviction under this section, the court  
22 shall order restitution in an amount equal to the total unpaid  
23 support obligation as it exists at the time of sentencing.  
24           (4)(a) Evidence that the defendant willfully failed to  
25 make sufficient bona fide efforts to legally acquire the  
26 resources to pay legally ordered support may be sufficient to  
27 prove that he or she had the ability to provide support but  
28 willfully failed to do so, in violation of this section.  
29           (b) The element of notice may be satisfied if a court  
30 or tribunal as defined by s. 88.1011(22) has entered an order  
31 that obligates the defendant to provide the support.

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1           (2) Prior to commencing prosecution under this  
2 section, the state attorney must advise the person responsible  
3 for support by regular mail to the person's last known address  
4 ~~certified mail, return receipt requested,~~ that a prosecution  
5 under this section will be commenced against him or her unless  
6 the person makes such delinquent support payments or provides  
7 a satisfactory explanation as to why he or she has not made  
8 such payments.

9           Section 2. This act shall take effect October 1, 2001.

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12 ===== T I T L E   A M E N D M E N T =====

13 And the title is amended as follows:

14 remove from the title of the bill: the entire title

15

16 and insert in lieu thereof:

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                  A bill to be entitled

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          An act relating to support of dependents;

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          amending s. 827.06, F.S.; providing alternative

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          punishment for nonsupport of dependents;

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          providing a felony penalty for fourth or

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          subsequent violations; providing for the amount

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          of restitution due; providing requirements with

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          respect to certain evidence; providing for

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          satisfaction of the element of notice under

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          certain circumstances; providing an effective

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          date.

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