

By Representative Gannon

1                                   A bill to be entitled  
2           An act relating to the support owed to a child  
3           or spouse; amending s. 827.06, F.S.;  
4           prescribing the elements of felony nonsupport  
5           of a child or spouse; providing penalties;  
6           providing an effective date.

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

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

12           827.06 Persistent nonsupport.--

13           (1) Any person who, ~~after notice,~~ fails to provide  
14 support that ~~which~~ he or she is able to provide to a child  
15 ~~children~~ or a spouse whom the person knows he or she is  
16 legally obligated to support commits, ~~and over whom no court~~  
17 ~~has jurisdiction in any proceedings for child support or~~  
18 ~~dissolution of marriage, shall be guilty of a misdemeanor of~~  
19 the first degree, punishable as provided in s. 775.082 or s.  
20 775.083.

21           (2) Any person who fails to provide support that he or  
22 she is able to provide to a child or a spouse whom the person  
23 knows he or she is legally obligated to support and who has  
24 owed to that child or spouse for more than 1 year support in  
25 an amount equal to or greater than \$5,000 commits a felony of  
26 the third degree, punishable as provided in s. 775.082, s.  
27 775.083, or s. 775.084. ~~Prior to commencing prosecution under~~  
28 ~~this section, the state attorney must advise the person~~  
29 ~~responsible for support by certified mail, return receipt~~  
30 ~~requested, that a prosecution under this section will be~~  
31 ~~commenced against him or her unless the person makes such~~

1 ~~delinquent support payments or provides a satisfactory~~  
2 ~~explanation as to why he or she has not made such payments.~~

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

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6 LEGISLATIVE SUMMARY

7 Provides that a person commits a third degree felony if  
8 he or she has, for more than 1 year, owed \$5,000 or more  
9 in support to a child or spouse whom the person knows he  
or she is obligated to support and fails to provide  
legally obligated support that he or she is able to  
provide.

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