

Bill No. CS for SB 454

Barcode 955836

CHAMBER ACTION

Senate

House

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The Committee on Governmental Oversight and Productivity
(Sebesta) recommended the following amendment:

Senate Amendment (with title amendment)

On page 1, between lines 22 and 23,

insert:

Section 1. Section 61.13016 of the Florida Statutes, is
amended to read:

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

(1) The driver's license and motor vehicle
registration of a support obligor who is delinquent in payment
or who has failed to comply with subpoenas or a similar order
to appear or show cause relating to paternity or support
proceedings may be suspended. When an obligor is 15 days
delinquent making a payment in support or failure to comply
with a subpoena, order to appear, order to show cause, or
similar order in IV-D cases, the Title IV-D agency may provide
notice to the obligor of the delinquency or failure to comply
with a subpoena, order to appear, order to show cause, or

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1 similar order and the intent to suspend by regular United
 2 States mail that is posted to the obligor's last address of
 3 record with the Department of Highway Safety and Motor
 4 Vehicles. When an obligor is 15 days delinquent in making a
 5 payment in support in non-IV-D cases, and upon the request of
 6 the obligee, the depository or the clerk of the court must
 7 provide notice to the obligor of the delinquency and the
 8 intent to suspend by regular United States mail that is posted
 9 to the obligor's last address of record with the Department of
 10 Highway Safety and Motor Vehicles. In either case, the notice
 11 must state:

12 (a) The terms of the order creating the support
 13 obligation;

14 (b) The period of the delinquency and the total amount
 15 of the delinquency as of the date of the notice or describe
 16 the subpoena, order to appear, order to show cause, or other
 17 similar order which has not been complied with;

18 (c) That notification will be given to the Department
 19 of Highway Safety and Motor Vehicles to suspend the obligor's
 20 driver's license and motor vehicle registration unless, within
 21 20 days after the date the notice is mailed, the obligor:

22 1.a. Pays the delinquency in full and any other costs
 23 and fees accrued between the date of the notice and the date
 24 the delinquency is paid;

25 b. Enters into a written agreement for payment with
 26 the obligee in non-IV-D cases or with the Title IV-D agency in
 27 IV-D cases; or in IV-D cases, complies with a subpoena or
 28 order to appear, order to show cause, or a similar order; or

29 c. Files a petition with the circuit court to contest
 30 the delinquency action; and

31 2. Pays any applicable delinquency fees.

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

(2) The suspension of the driver's license of an obligor pursuant to this section may be set aside for good cause if a petition is filed by the obligor in the circuit court within 20 days after the mailing date of the notice. For purposes of this subsection "good cause" means proof to the court that the failure to pay any delinquency is due to inability to pay because a medical condition exists that prevents the obligor from being employed or because of extended unemployment that is beyond the obligor's control. The obligor must serve a copy of the petition on the Title IV-D agency in IV-D cases or depository or clerk of the court in non-IV-D cases. When an obligor timely files a petition to set aside a suspension, the court must hear the matter within 15 days after the petition is filed. The court must enter an order resolving the matter within 10 days after the hearing, and a copy of the order must be served on the parties. The timely filing of a petition under this subsection stays the intent to suspend until the entry of a court order resolving the matter.

(3)~~(2)~~ If the obligor does not, within 20 days after the mailing date on the notice, pay the delinquency, enter into a payment agreement, comply with the subpoena, order to appear, order to show cause, or other similar order, or file a motion to contest, the Title IV-D agency in IV-D cases, or the depository or clerk of the court in non-IV-D cases, shall file the notice with the Department of Highway Safety and Motor

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1 Vehicles and request the suspension of the obligor's driver's
2 license and motor vehicle registration in accordance with s.
3 322.058.

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

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21 (Redesignate subsequent sections.)

22
23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 1, line 2, after the semicolon

27
28 insert:

29 amending s. 61.13016, F.S.; to allow a driver
30 license suspension to be set aside by a court
31 if the person proves that failure to pay child

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1 support is due to medial inability or
2 involuntary unemployment;
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