

By Senator Crist

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1 A bill to be entitled
2 An act relating to limited reinstatement of driving
3 privileges; amending s. 61.13016, F.S.; providing that a
4 person who is delinquent in paying his or her child
5 support or who has failed to comply with subpoenas or a
6 similar order to appear or show cause relating to
7 paternity or support proceedings is subject to having the
8 Department of Highway Safety and Motor Vehicles suspend
9 the person's driver's license and motor vehicle
10 registration, except that the driving privilege is
11 retained by the person for business purposes only;
12 deleting a requirement that a person file a petition in
13 the circuit court before the court may direct the
14 department to issue the person a driver's license
15 restricted to business purposes only; amending ss. 322.058
16 and 322.245, F.S.; requiring the Department of Highway
17 Safety and Motor Vehicles to suspend the driver's license
18 of a person and the registration of all motor vehicles
19 owned by that person if he or she is delinquent in child
20 support obligations, except that the person retains his or
21 her driving privilege for business purposes only;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 61.13016, Florida Statutes, is amended
27 to read:

28 61.13016 Suspension of driver's licenses and motor vehicle
29 registrations; exceptions for driving for employment purposes.--

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30 (1) The driver's license and motor vehicle registration of
31 a support obligor who is delinquent in payment or who has failed
32 to comply with subpoenas or a similar order to appear or show
33 cause relating to paternity or support proceedings may be
34 suspended. When an obligor is 15 days delinquent making a payment
35 in support or failure to comply with a subpoena, order to appear,
36 order to show cause, or similar order in IV-D cases, the Title
37 IV-D agency may provide notice to the obligor of the delinquency
38 or failure to comply with a subpoena, order to appear, order to
39 show cause, or similar order and the intent to suspend by regular
40 United States mail that is posted to the obligor's last address
41 of record with the Department of Highway Safety and Motor
42 Vehicles. When an obligor is 15 days delinquent in making a
43 payment in support in non-IV-D cases, and upon the request of the
44 obligee, the depository or the clerk of the court must provide
45 notice to the obligor of the delinquency and the intent to
46 suspend by regular United States mail that is posted to the
47 obligor's last address of record with the Department of Highway
48 Safety and Motor Vehicles. In either case, the notice must state:

49 (a) The terms of the order creating the support obligation;
50 (b) The period of the delinquency and the total amount of
51 the delinquency as of the date of the notice or describe the
52 subpoena, order to appear, order to show cause, or other similar
53 order which has not been complied with;

54 (c) That notification will be given to the Department of
55 Highway Safety and Motor Vehicles to suspend the obligor's
56 driver's license and motor vehicle registration, except for
57 business purposes only, unless, within 20 days after the date the
58 notice is mailed, the obligor:

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59 1.a. Pays the delinquency in full and any other costs and
60 fees accrued between the date of the notice and the date the
61 delinquency is paid;

62 b. Enters into a written agreement for payment with the
63 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
64 cases; or in IV-D cases, complies with a subpoena or order to
65 appear, order to show cause, or a similar order; or

66 c. Files a petition with the circuit court to contest the
67 delinquency action; and

68 2. Pays any applicable delinquency fees.
69

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

74 ~~(2) (a) Upon petition filed by the obligor in the circuit~~
75 ~~court within 20 days after the mailing date of the notice, the~~
76 ~~court may, in its discretion, direct the department to issue a~~
77 ~~license for driving privileges restricted to business purposes~~
78 ~~only, as defined by s. 322.271, if the person is otherwise~~
79 ~~qualified for such a license. As a condition for the court to~~
80 ~~exercise its discretion under this subsection, the obligor must~~
81 ~~agree to a schedule of payment on any child support arrearages~~
82 ~~and to maintain current child support obligations. If the obligor~~
83 ~~fails to comply with the schedule of payment, the court shall~~
84 ~~direct the Department of Highway Safety and Motor Vehicles to~~
85 ~~suspend the obligor's driver's license.~~

86 ~~(b) The obligor must serve a copy of the petition on the~~
87 ~~Title IV-D agency in IV-D cases or on the depository or the clerk~~

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88 ~~of the court in non-IV-D cases. When an obligor timely files a~~
89 ~~petition to set aside a suspension, the court must hear the~~
90 ~~matter within 15 days after the petition is filed. The court must~~
91 ~~enter an order resolving the matter within 10 days after the~~
92 ~~hearing, and a copy of the order must be served on the parties.~~
93 ~~The timely filing of a petition under this subsection stays the~~
94 ~~intent to suspend until the entry of a court order resolving the~~
95 ~~matter.~~

96 (2)~~(3)~~ If the obligor does not, within 20 days after the
97 mailing date on the notice, pay the delinquency, enter into a
98 payment agreement, comply with the subpoena, order to appear,
99 order to show cause, or other similar order, or file a motion to
100 contest, the Title IV-D agency in IV-D cases, or the depository
101 or clerk of the court in non-IV-D cases, shall file the notice
102 with the Department of Highway Safety and Motor Vehicles and
103 request the suspension of the obligor's driver's license and
104 motor vehicle registration in accordance with s. 322.058, except
105 that the obligor retains his or her driving privilege for
106 business purposes only as defined in s. 322.271.

107 (3)~~(4)~~ The obligor may, within 20 days after the mailing
108 date on the notice of delinquency or noncompliance and intent to
109 suspend, file in the circuit court a petition to contest the
110 notice of delinquency or noncompliance and intent to suspend on
111 the ground of mistake of fact regarding the existence of a
112 delinquency or the identity of the obligor. The obligor must
113 serve a copy of the petition on the Title IV-D agency in IV-D
114 cases or depository or clerk of the court in non-IV-D cases. When
115 an obligor timely files a petition to contest, the court must
116 hear the matter within 15 days after the petition is filed. The

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117 | court must enter an order resolving the matter within 10 days
118 | after the hearing, and a copy of the order must be served on the
119 | parties. The timely filing of a petition to contest stays the
120 | notice of delinquency and intent to suspend until the entry of a
121 | court order resolving the matter.

122 | ~~(4)(5)~~ The procedures prescribed in this section and s.
123 | 322.058 may be used to enforce compliance with an order to appear
124 | for genetic testing.

125 | Section 2. Section 322.058, Florida Statutes, is amended to
126 | read:

127 | 322.058 Suspension of driving privileges due to support
128 | delinquency; reinstatement; exception.--

129 | (1) When the department receives notice from the Title IV-D
130 | agency or depository or the clerk of the court that any person
131 | licensed to operate a motor vehicle in the State of Florida under
132 | the provisions of this chapter has a delinquent support
133 | obligation or has failed to comply with a subpoena, order to
134 | appear, order to show cause, or similar order, the department
135 | shall suspend the driver's license of the person named in the
136 | notice and the registration of all motor vehicles owned by that
137 | person, except that the person retains his or her driving
138 | privilege for business purposes only as provided in s. 61.13016.

139 | (2) The department must reinstate the driving privilege and
140 | allow registration of a motor vehicle when the Title IV-D agency
141 | in IV-D cases or the depository or the clerk of the court in non-
142 | IV-D cases provides to the department an affidavit stating that:

143 | (a) The person has paid the delinquency;

144 | (b) The person has reached a written agreement for payment
145 | with the Title IV-D agency or the obligee in non-IV-D cases;

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146 (c) A court has entered an order granting relief to the
147 obligor ordering the reinstatement of the license and motor
148 vehicle registration; or

149 (d) The person has complied with the subpoena, order to
150 appear, order to show cause, or similar order.

151 (3) The department shall not be held liable for any license
152 or vehicle registration suspension resulting from the discharge
153 of its duties under this section.

154 (4) This section applies only to the annual renewal in the
155 owner's birth month of a motor vehicle registration and does not
156 apply to the transfer of a registration of a motor vehicle sold
157 by a motor vehicle dealer licensed under chapter 320, except for
158 the transfer of registrations which is inclusive of the annual
159 renewals. This section does not affect the issuance of the title
160 to a motor vehicle, notwithstanding s. 319.23(7)(b).

161 Section 3. Section 322.245, Florida Statutes, is amended to
162 read:

163 322.245 Suspension of license upon failure of person
164 charged with specified offense under chapter 316, chapter 320, or
165 this chapter to comply with directives ordered by traffic court
166 or upon failure to pay child support in non-IV-D cases as
167 provided in chapter 61 or failure to pay any financial obligation
168 in any other criminal case; exception.--

169 (1) If a person charged with a violation of any of the
170 criminal offenses enumerated in s. 318.17 or with the commission
171 of any offense constituting a misdemeanor under chapter 320 or
172 this chapter fails to comply with all of the directives of the
173 court within the time allotted by the court, the clerk of the
174 traffic court shall mail to the person, at the address specified

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175 on the uniform traffic citation, a notice of such failure,
176 notifying him or her that, if he or she does not comply with the
177 directives of the court within 30 days after the date of the
178 notice and pay a delinquency fee of up to \$15 to the clerk, his
179 or her driver's license will be suspended. The notice shall be
180 mailed no later than 5 days after such failure. The delinquency
181 fee may be retained by the office of the clerk to defray the
182 operating costs of the office.

183 (2) In non-IV-D cases, if a person fails to pay child
184 support under chapter 61 and the obligee so requests, the
185 depository or the clerk of the court shall mail in accordance
186 with s. 61.13016 the notice specified in that section, notifying
187 him or her that if he or she does not comply with the
188 requirements of that section and pay a delinquency fee of \$10 to
189 the depository or the clerk, his or her driver's license and
190 motor vehicle registration will be suspended, except that the
191 person retains his or her driving privilege for business purposes
192 only as provided in s. 61.13016. The delinquency fee may be
193 retained by the depository or the office of the clerk to defray
194 the operating costs of the office.

195 (3) If the person fails to comply with the directives of
196 the court within the 30-day period, or, in non-IV-D cases, fails
197 to comply with the requirements of s. 61.13016 within the period
198 specified in that statute, the depository or the clerk of the
199 court shall notify the department of such failure within 10 days.
200 Upon receipt of the notice, the department shall immediately
201 issue an order suspending the person's driver's license and
202 privilege to drive, except for his or her driving privilege for
203 business purposes only, effective 20 days after the date the

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204 | order of suspension is mailed in accordance with s. 322.251(1),
205 | (2), and (6).

206 | (4) After suspension of the driver's license of a person
207 | pursuant to subsection (1), subsection (2), or subsection (3),
208 | the license may not be reinstated until the person complies with
209 | all court directives imposed upon him or her, including payment
210 | of the delinquency fee imposed by subsection (1), and presents
211 | certification of such compliance to a driver licensing office and
212 | complies with the requirements of this chapter or, in the case of
213 | a license suspended for nonpayment of child support in non-IV-D
214 | cases, until the person complies with the reinstatement
215 | provisions of s. 322.058 and makes payment of the delinquency fee
216 | imposed by subsection (2).

217 | (5) (a) When the department receives notice from a clerk of
218 | the court that a person licensed to operate a motor vehicle in
219 | this state under the provisions of this chapter has failed to pay
220 | financial obligations for any criminal offense other than those
221 | specified in subsection (1), in full or in part under a payment
222 | plan pursuant to s. 28.246(4), the department shall suspend the
223 | license of the person named in the notice.

224 | (b) The department must reinstate the driving privilege
225 | when the clerk of the court provides an affidavit to the
226 | department stating that:

227 | 1. The person has satisfied the financial obligation in
228 | full or made all payments currently due under a payment plan;

229 | 2. The person has entered into a written agreement for
230 | payment of the financial obligation if not presently enrolled in
231 | a payment plan; or

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232 3. A court has entered an order granting relief to the
233 person ordering the reinstatement of the license.

234 (c) The department shall not be held liable for any license
235 suspension resulting from the discharge of its duties under this
236 section.

237 Section 4. This act shall take effect July 1, 2008.