

By the Committee on Children, Families, and Elder Affairs; and
Senator Oelrich

586-03827-12

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1 A bill to be entitled
2 An act relating to suspension of driver licenses and
3 motor vehicle registrations; amending s. 61.13016,
4 F.S.; revising provisions providing for an obligor who
5 is delinquent in support payments to petition the
6 circuit court to direct the Department of Highway
7 Safety and Motor Vehicles to issue to the obligor a
8 driver license restricted to business purposes only;
9 requiring that the court, before approving a schedule
10 for an obligor's delinquent support payments, find
11 that the obligor has the present ability to pay the
12 child support arrearage and support obligation;
13 requiring that the court direct the Department of
14 Highway Safety and Motor Vehicles to suspend the
15 obligor's driver license if the obligor fails to
16 comply with the schedule of payments and if the
17 obligor has the ability to pay; specifying that an
18 obligor whose license and registration have been
19 suspended may apply to the court for a license for
20 business purposes only if the obligor agrees to make
21 payments against the arrearage; amending s. 322.058,
22 F.S.; requiring that the Department of Highway Safety
23 and Motor Vehicles reinstate the driving privilege and
24 allow the registration of a motor vehicle of a person
25 who has a delinquent support obligation or who has
26 failed to comply with a subpoena, order to appear,
27 order to show cause, or similar order, if the Title
28 IV-D agency in IV-D cases, or the depository or the
29 clerk of the court in non-IV-D cases, provides

586-03827-12

2012914c1

30 electronic notification to the department stating that
31 the court has directed that the person be issued a
32 driver license restricted to business purposes only;
33 providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

37 Section 1. Section 61.13016, Florida Statutes, is amended
38 to read:

39 61.13016 Suspension of driver ~~driver's~~ licenses and motor
40 vehicle registrations.-

41 (1) The driver ~~driver's~~ license and motor vehicle
42 registration of a support obligor who is delinquent in payment
43 or who has failed to comply with subpoenas or a similar order to
44 appear or show cause relating to paternity or support
45 proceedings may be suspended. When an obligor is 15 days
46 delinquent making a payment in support or failure to comply with
47 a subpoena, order to appear, order to show cause, or similar
48 order in IV-D cases, the Title IV-D agency may provide notice to
49 the obligor of the delinquency or failure to comply with a
50 subpoena, order to appear, order to show cause, or similar order
51 and the intent to suspend by regular United States mail that is
52 posted to the obligor's last address of record with the
53 Department of Highway Safety and Motor Vehicles. When an obligor
54 is 15 days delinquent in making a payment in support in non-IV-D
55 cases, and upon the request of the obligee, the depository or
56 the clerk of the court must provide notice to the obligor of the
57 delinquency and the intent to suspend by regular United States
58 mail that is posted to the obligor's last address of record with

586-03827-12

2012914c1

59 the Department of Highway Safety and Motor Vehicles. ~~In either~~
60 ~~case,~~ The notice must state:

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

62 (b) The period of the delinquency and the total amount of
63 the delinquency as of the date of the notice or describe the
64 subpoena, order to appear, order to show cause, or other similar
65 order that ~~which~~ has not been complied with;

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

70 1.a. Pays the delinquency in full and any other costs and
71 fees accrued between the date of the notice and the date the
72 delinquency is paid;

73 b. Enters into a written agreement for payment with the
74 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
75 cases; or in IV-D cases, complies with a subpoena or order to
76 appear, order to show cause, or a similar order; or

77 c. Files a petition with the circuit court to contest the
78 delinquency action; and

79 2. Pays any applicable delinquency fees.

80
81 If the obligor in non-IV-D cases enters into a written agreement
82 for payment before the expiration of the 20-day period, the
83 obligor must provide a copy of the signed written agreement to
84 the depository or the clerk of the court.

85 (2) (a) If the obligor files a ~~Upon~~ petition ~~filed by the~~
86 ~~obligor~~ in the circuit court within 20 days after the mailing
87 date of the notice, the court may, ~~in its discretion,~~ direct the

586-03827-12

2012914c1

88 department to issue a license for driving privileges restricted
89 to business purposes only, as defined by s. 322.271, if the
90 person is otherwise qualified for such a license. As a condition
91 for the court to exercise its discretion under this subsection,
92 the obligor must agree to a schedule of payment on any child
93 support arrearages and to maintain current child support
94 obligations. Before approving the schedule of payment, the court
95 must find that the obligor has the present ability to pay the
96 schedule of payment for the child support arrearage and the
97 current child support obligation.

98 (b) If the obligor fails to comply with the schedule of
99 payment and if the obligor has the present ability to do so, the
100 court shall direct the Department of Highway Safety and Motor
101 Vehicles to suspend the obligor's driver ~~driver's~~ license.

102 (c) ~~(b)~~ The obligor must serve a copy of the petition on the
103 Title IV-D agency in IV-D cases or on the depository or the
104 clerk of the court in non-IV-D cases. When an obligor timely
105 files a petition to set aside a suspension, the court must hear
106 the matter within 15 days after the petition is filed. The court
107 must enter an order resolving the matter within 10 days after
108 the hearing, and a copy of the order must be served on the
109 parties. The timely filing of a petition under this subsection
110 stays the intent to suspend until the entry of a court order
111 resolving the matter.

112 (3) If the obligor does not, within 20 days after the
113 mailing date on the notice, pay the delinquency, enter into a
114 payment agreement, comply with the subpoena, order to appear,
115 order to show cause, or other similar order, or file a motion to
116 contest, the Title IV-D agency in IV-D cases, or the depository

586-03827-12

2012914c1

117 or clerk of the court in non-IV-D cases, shall file the notice
118 with the Department of Highway Safety and Motor Vehicles and
119 request the suspension of the obligor's driver ~~driver's~~ license
120 and motor vehicle registration in accordance with s. 322.058.

121 (4) The obligor may, within 20 days after the mailing date
122 on the notice of delinquency or noncompliance and intent to
123 suspend, file in the circuit court a petition to contest the
124 notice of delinquency or noncompliance and intent to suspend on
125 the ground of mistake of fact regarding the existence of a
126 delinquency or the identity of the obligor. The obligor must
127 serve a copy of the petition on the Title IV-D agency in IV-D
128 cases or depository or clerk of the court in non-IV-D cases.
129 When an obligor timely files a petition to contest, the court
130 must hear the matter within 15 days after the petition is filed.
131 The court must enter an order resolving the matter within 10
132 days after the hearing, and a copy of the order must be served
133 on the parties. The timely filing of a petition to contest stays
134 the notice of delinquency and intent to suspend until the entry
135 of a court order resolving the matter.

136 (5) The procedures prescribed in this section and s.
137 322.058 may be used to enforce compliance with an order to
138 appear for genetic testing.

139 (6) A person whose driver license and registration have
140 been suspended under this section may petition for relief under
141 subsection (2). A petition under this subsection does not act as
142 a stay of any suspension.

143 Section 2. Subsection (2) of section 322.058, Florida
144 Statutes, is amended to read:

145 322.058 Suspension of driving privileges due to support

586-03827-12

2012914c1

146 delinquency; reinstatement.-

147 (2) (a) The department must reinstate the full driving
148 privilege and allow registration of a motor vehicle when the
149 Title IV-D agency in IV-D cases or the depository or the clerk
150 of the court in non-IV-D cases provides to the department an
151 electronic notification ~~affidavit~~ stating that:

152 1. (a) The person has paid the delinquency;

153 2. (b) The person has reached a written agreement for
154 payment with the Title IV-D agency or the obligee in non-IV-D
155 cases;

156 3. (e) A court has entered an order granting relief to the
157 obligor ordering the reinstatement of the license and motor
158 vehicle registration; or

159 4. (d) The person has complied with the subpoena, order to
160 appear, order to show cause, or similar order.

161 (b) The department must reinstate the driving privilege
162 restricted to business purposes only and allow registration of a
163 motor vehicle when the Title IV-D agency in IV-D cases or the
164 depository or the clerk of the court in non-IV-D cases provides
165 to the department electronic notification stating that a court
166 has entered an order granting relief to the obligor ordering the
167 reinstatement of the license restricted to business purposes
168 only and motor vehicle registration pursuant to s. 61.13016(2)
169 or (6).

170 Section 3. This act shall take effect July 1, 2012.