

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Children, Families &
 2 Seniors Subcommittee

3 Representative Daniels offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 2. Section 61.13016, Florida Statutes, is amended
 8 to read:

9 61.13016 Suspension of driver licenses and motor vehicle
 10 registrations.—

11 (1) The driver license and motor vehicle registration of a
 12 support obligor who is delinquent in payment or who has failed
 13 to comply with subpoenas or a similar order to appear or show
 14 cause relating to paternity or support proceedings may be
 15 suspended. When an obligor is 15 days delinquent making a
 16 payment in support or failure to comply with a subpoena, order

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17 to appear, order to show cause, or similar order in IV-D cases,
18 the Title IV-D agency may provide notice to the obligor of the
19 delinquency or failure to comply with a subpoena, order to
20 appear, order to show cause, or similar order and the intent to
21 suspend by regular United States mail that is posted to the
22 obligor's last address of record with the Department of Highway
23 Safety and Motor Vehicles. When an obligor is 15 days delinquent
24 in making a payment in support in non-IV-D cases, and upon the
25 request of the obligee, the depository or the clerk of the court
26 must provide notice to the obligor of the delinquency and the
27 intent to suspend by regular United States mail that is posted
28 to the obligor's last address of record with the Department of
29 Highway Safety and Motor Vehicles. In either case, the notice
30 must state:

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

33 (b) The period of the delinquency and the total amount of
34 the delinquency as of the date of the notice or describe the
35 subpoena, order to appear, order to show cause, or other similar
36 order that has not been complied with;

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

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41 1.a. Pays the delinquency in full and any other costs and
42 fees accrued between the date of the notice and the date the
43 delinquency is paid;

44 b. Enters into a written agreement for payment with the
45 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
46 cases; or in IV-D cases, complies with a subpoena or order to
47 appear, order to show cause, or a similar order;

48 c. Files a petition with the circuit court to contest the
49 delinquency action as provided in subsection (4);

50 d. Demonstrates that he or she receives reemployment
51 assistance or unemployment compensation pursuant to chapter 443;

52 e. Demonstrates that he or she is disabled and incapable
53 of self-support or that he or she receives benefits under the
54 federal Supplemental Security Income program or Social Security
55 Disability Insurance program;

56 f. Demonstrates that he or she receives temporary cash
57 assistance pursuant to chapter 414; or

58 g. Demonstrates that he or she is making payments in
59 accordance with a confirmed bankruptcy plan under chapter 11,
60 chapter 12, or chapter 13 of the United States Bankruptcy Code,
61 11 U.S.C. ss. 101 et seq.; and

62 2. Pays any applicable delinquency fees.

63
64 If an obligor in a non-IV-D case enters into a written agreement
65 for payment before the expiration of the 20-day period, the

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66 obligor must provide a copy of the signed written agreement to
67 the depository or the clerk of the court. If an obligor seeks to
68 satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-
69 subparagraph 1.f., or sub-subparagraph 1.g. before expiration of
70 the 20-day period, the obligor must provide the applicable
71 documentation or proof to the depository or the clerk of the
72 court.

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

85 (b) The obligor must serve a copy of the petition on the
86 Title IV-D agency in IV-D cases or on the depository or the
87 clerk of the court in non-IV-D cases. When an obligor timely
88 files a petition to set aside a suspension, the court must hear
89 the matter within 15 days after the petition is filed. The court
90 must enter an order resolving the matter within 10 days after

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91 the hearing, and a copy of the order must be served on the
92 parties. The timely filing of a petition under this subsection
93 stays the intent to suspend until the entry of a court order
94 resolving the matter.

95 (3) If the obligor does not, within 20 days after the
96 mailing date on the notice, pay the delinquency; enter into a
97 written agreement; comply with the subpoena, order to appear,
98 order to show cause, or other similar order; file a motion to
99 contest; or satisfy sub-subparagraph (1)(c)1.d., sub-
100 subparagraph (1)(c)1.e., sub-subparagraph (1)(c)1.f., or sub-
101 subparagraph (1)(c)1.g., the Title IV-D agency in IV-D cases, or
102 the depository or clerk of the court in non-IV-D cases, may file
103 the notice with the Department of Highway Safety and Motor
104 Vehicles and request the suspension of the obligor's driver
105 license and motor vehicle registration in accordance with s.
106 322.058.

107 (4) (a) 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:

112 1. Mistake of fact regarding the existence of a
113 delinquency; ~~or~~

114 2. Mistake of fact regarding the identity of the obligor;
115 or

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116 3. No ability to make payments toward the delinquency due
117 to circumstances including, but not limited to, temporary
118 interruption in employment as the result of a natural disaster;
119 incapacitation as the result of an illness or temporary medical
120 condition; or temporary unexpected involuntary unemployment.

121 (b) The obligor must serve a copy of the petition on the
122 Title IV-D agency in IV-D cases or depository or clerk of the
123 court in non-IV-D cases. When an obligor timely files a petition
124 to contest, the court must hear the matter within 15 days after
125 the petition is filed. The court must enter an order resolving
126 the matter within 10 days after the hearing, and a copy of the
127 order must be served on the parties. The timely filing of a
128 petition to contest stays the notice of delinquency and intent
129 to suspend until the entry of a court order resolving the
130 matter.

131 (5) The procedures prescribed in this section and s.
132 322.058 may be used to enforce compliance with an order to
133 appear for genetic testing.

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135 -----
136 **T I T L E A M E N D M E N T**

137 Remove everything before the enacting clause and insert:
138 An act relating to child support; creating the "Florida
139 Responsible Parent Act"; amending s. 61.13016, F.S.; providing
140 additional circumstances under which an obligor who fails to pay

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 313 (2017)

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141 child support may avoid suspension of his or her driver license
142 and motor vehicle registration; providing an effective date.