



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WITHDRAWN	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>	

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1 Committee/Subcommittee hearing bill: Children, Families &  
2 Seniors Subcommittee  
3 Representative Daniels offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Florida  
8 Responsible Parent Act."

9 Section 2. Section 61.13016, Florida Statutes, is amended  
10 to read:

11 61.13016 Suspension of driver licenses and motor vehicle  
12 registrations.-

13 (1) The driver license and motor vehicle registration of a  
14 support obligor who is delinquent in payment or who has failed  
15 to comply with subpoenas or a similar order to appear or show  
16 cause relating to paternity or support proceedings may be



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

33 |       (a) The terms of the order creating the support  
34 | obligation;

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

39 |       (c) That notification will be given to the Department of  
40 | Highway Safety and Motor Vehicles to suspend the obligor's



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41 driver license and motor vehicle registration unless, within 20  
42 days after the date that the notice is mailed, the obligor:

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

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

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

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

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

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

60 g. Demonstrates that he or she is making payments in  
61 accordance with a confirmed bankruptcy plan under chapter 11,  
62 chapter 12, or chapter 13 of the United States Bankruptcy Code,  
63 11 U.S.C. ss. 101 et seq.; and

64 2. Pays any applicable delinquency fees.  
65

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

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

87 (b) The obligor must serve a copy of the petition on the  
88 Title IV-D agency in IV-D cases or on the depository or the  
89 clerk of the court in non-IV-D cases. When an obligor timely  
90 files a petition to set aside a suspension, the court must hear

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91 the matter within 15 days after the petition is filed. The court  
92 must enter an order resolving the matter within 10 days after  
93 the hearing, and a copy of the order must be served on the  
94 parties. The timely filing of a petition under this subsection  
95 stays the intent to suspend until the entry of a court order  
96 resolving the matter.

97 (3) If the obligor does not, within 20 days after the  
98 mailing date on the notice, pay the delinquency; enter into a  
99 written agreement; comply with the subpoena, order to appear,  
100 order to show cause, or other similar order; file a motion to  
101 contest; or satisfy sub-subparagraph (1)(c)1.d., sub-  
102 subparagraph (1)(c)1.e., sub-subparagraph (1)(c)1.f., or sub-  
103 subparagraph (1)(c)1.g., the Title IV-D agency in IV-D cases, or  
104 the depository or clerk of the court in non-IV-D cases, may file  
105 the notice with the Department of Highway Safety and Motor  
106 Vehicles and request the suspension of the obligor's driver  
107 license and motor vehicle registration in accordance with s.  
108 322.058.

109 (4) (a) The obligor may, within 20 days after the mailing  
110 date on the notice of delinquency or noncompliance and intent to  
111 suspend, file in the circuit court a petition to contest the  
112 notice of delinquency or noncompliance and intent to suspend on  
113 the ground of:

114 1. Mistake of fact regarding the existence of a  
115 delinquency; ~~or~~

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116 2. Mistake of fact regarding the identity of the obligor;

117 or

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

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

133 (5) The procedures prescribed in this section and s.  
134 322.058 may be used to enforce compliance with an order to  
135 appear for genetic testing.

137 -----  
138 **T I T L E A M E N D M E N T**

139 Remove everything before the enacting clause and insert:



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140 An act relating to child support; creating the "Florida  
141 Responsible Parent Act"; amending s. 61.13016, F.S.; providing  
142 additional circumstances under which an obligor who fails to pay  
143 child support may avoid suspension of his or her driver license  
144 and motor vehicle registration; providing an effective date.