

1                                   A bill to be entitled  
 2           An act relating to child support; creating the  
 3           "Florida Responsible Parent Act"; amending s.  
 4           61.13016, F.S.; providing additional circumstances  
 5           under which an obligor who fails to pay child support  
 6           may avoid suspension of his or her driver license and  
 7           motor vehicle registration; amending s. 61.14, F.S.;  
 8           requiring a court to deny an order for contempt if an  
 9           obligor demonstrates that he or she is unable to pay  
 10          child support due to specified circumstances;  
 11          authorizing the court to order an obligor to be placed  
 12          in a work-release program or under supervised home  
 13          confinement without electronic monitoring for failure  
 14          to pay child support due to any of such circumstances;  
 15          requiring the Department of Economic Opportunity to  
 16          develop and administer a tax credit program for  
 17          business entities that employ such obligors; requiring  
 18          the department to adopt rules; providing an effective  
 19          date.

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 21   Be It Enacted by the Legislature of the State of Florida:

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 23           Section 1. This act may be cited as the "Florida  
 24           Responsible Parent Act."

25           Section 2. Paragraph (c) of subsection (1) and subsection

26 (3) of section 61.13016, Florida Statutes, are amended to read:  
27 61.13016 Suspension of driver licenses and motor vehicle  
28 registrations.—

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

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

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

53 1.a. Pays the delinquency in full and any other costs and  
54 fees accrued between the date of the notice and the date the  
55 delinquency is paid;

56 b. Enters into a written agreement for payment with the  
57 obligee in non-IV-D cases or with the Title IV-D agency in IV-D  
58 cases; or in IV-D cases, complies with a subpoena or order to  
59 appear, order to show cause, or a similar order;

60 c. Files a petition with the circuit court to contest the  
61 delinquency action;

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

64 e. Demonstrates that he or she is disabled and incapable  
65 of self-support or that he or she receives benefits under the  
66 federal Supplemental Security Income program or Social Security  
67 Disability Insurance program;

68 f. Demonstrates that he or she receives temporary cash  
69 assistance pursuant to chapter 414; ~~or~~

70 g. Demonstrates that he or she is unable to pay support  
71 due to an act of God, a medical emergency involving him or her,  
72 or sudden involuntary unemployment beyond his or her control;

73 h. Demonstrates that he or she has been ordered by the  
74 court to be placed in a work-release program or under supervised  
75 home confinement without electronic monitoring for failure to

76 pay support pursuant to s. 61.14(5)(a); or

77 ~~i.g.~~ Demonstrates that he or she is making payments in  
78 accordance with a confirmed bankruptcy plan under chapter 11,  
79 chapter 12, or chapter 13 of the United States Bankruptcy Code,  
80 11 U.S.C. ss. 101 et seq.; and

81 2. Pays any applicable delinquency fees.  
82

83 If an obligor in a non-IV-D case enters into a written agreement  
84 for payment before the expiration of the 20-day period, the  
85 obligor must provide a copy of the signed written agreement to  
86 the depository or the clerk of the court. If an obligor seeks to  
87 satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-  
88 subparagraph 1.f., ~~or~~ sub-subparagraph 1.g., sub-subparagraph  
89 1.h., or sub-subparagraph 1.i. before expiration of the 20-day  
90 period, the obligor must provide the applicable documentation or  
91 proof to the depository or the clerk of the court.

92 (3) If the obligor does not, within 20 days after the  
93 mailing date on the notice, pay the delinquency; enter into a  
94 written agreement; comply with the subpoena, order to appear,  
95 order to show cause, or other similar order; file a motion to  
96 contest; or satisfy sub-subparagraph (1)(c)1.d., sub-  
97 subparagraph (1)(c)1.e., sub-subparagraph (1)(c)1.f., ~~or~~ sub-  
98 subparagraph (1)(c)1.g., sub-subparagraph (1)(c)1.h., or sub-  
99 subparagraph (1)(c)1.i., the Title IV-D agency in IV-D cases, or  
100 the depository or clerk of the court in non-IV-D cases, may file

101 the notice with the Department of Highway Safety and Motor  
102 Vehicles and request the suspension of the obligor's driver  
103 license and motor vehicle registration in accordance with s.  
104 322.058.

105 Section 3. Paragraph (a) of subsection (5) of section  
106 61.14, Florida Statutes, is amended to read:

107 61.14 Enforcement and modification of support,  
108 maintenance, or alimony agreements or orders.—

109 (5) (a) When a court of competent jurisdiction enters an  
110 order for the payment of alimony or child support or both, the  
111 court shall make a finding of the obligor's imputed or actual  
112 present ability to comply with the order. If the obligor  
113 subsequently fails to pay alimony or support and a contempt  
114 hearing is held, the original order of the court creates a  
115 presumption that the obligor has the present ability to pay the  
116 alimony or support and to purge himself or herself from the  
117 contempt. At the contempt hearing, the obligor shall have the  
118 burden of proof to show that he or she lacks the ability to  
119 purge himself or herself from the contempt. This presumption is  
120 adopted as a presumption under s. 90.302(2) to implement the  
121 public policy of this state that children shall be maintained  
122 from the resources of their parents and as provided for in s.  
123 409.2551, and that spouses be maintained as provided for in s.  
124 61.08. The court shall state in its order the reasons for  
125 granting or denying the contempt. The court shall deny the

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126 contempt if the obligor demonstrates that he or she is unable to  
127 pay child support due to an act of God, a medical emergency  
128 involving him or her, or sudden involuntary unemployment beyond  
129 his or her control. If the court finds that the obligor has  
130 failed to pay child support due to any of such circumstances,  
131 the court may order the obligor to be placed in a work-release  
132 program or under supervised home confinement without electronic  
133 monitoring.

134 Section 4. The Department of Economic Opportunity shall  
135 develop and administer a program to provide tax credits to any  
136 business entity that employs an obligor who is ordered to be  
137 placed in a work-release program or under supervised home  
138 confinement without electronic monitoring pursuant to s.  
139 61.14(5), Florida Statutes. The department shall adopt rules to  
140 administer this section.

141 Section 5. This act shall take effect July 1, 2017.