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 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; providing an effective
 8           date.
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10    Be It Enacted by the Legislature of the State of Florida:
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12           Section 1.  This act may be cited as the "Florida
13    Responsible Parent Act."
14           Section 2.  Subsections (1) and (4) of section 61.13016,
15    Florida Statutes, are amended to read:
16           61.13016  Suspension of driver licenses and motor vehicle
17    registrations.—
18           (1)  The driver license and motor vehicle registration of a
19    support obligor who is delinquent in payment or who has failed
20    to comply with subpoenas or a similar order to appear or show
21    cause relating to paternity or support proceedings may be
22    suspended. When an obligor is 15 days delinquent making a
23    payment in support or failure to comply with a subpoena, order
24    to appear, order to show cause, or similar order in IV-D cases,
25    the Title IV-D agency may provide notice to the obligor of the
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CODING: Words stricken are deletions; words underlined are additions.

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26 delinquency or failure to comply with a subpoena, order to
27 appear, order to show cause, or similar order and the intent to
28 suspend by regular United States mail that is posted to the
29 obligor's last address of record with the Department of Highway
30 Safety and Motor Vehicles. When an obligor is 15 days delinquent
31 in making a payment in support in non-IV-D cases, and upon the
32 request of the obligee, the depository or the clerk of the court
33 must provide notice to the obligor of the delinquency and the
34 intent to suspend by regular United States mail that is posted
35 to the obligor's last address of record with the Department of
36 Highway Safety and Motor Vehicles. In either case, the notice
37 must state:

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

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

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

48   1.a.   Pays the delinquency in full and any other costs and
49 fees accrued between the date of the notice and the date the
50 delinquency is paid;

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51   b. Enters into a written agreement for payment with the
52 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
53 cases; or in IV-D cases, complies with a subpoena or order to
54 appear, order to show cause, or a similar order;
55   c. Files a petition with the circuit court to contest the
56 delinquency action as provided in subsection (4);
57   d. Demonstrates that he or she receives reemployment
58 assistance or unemployment compensation pursuant to chapter 443;
59   e. Demonstrates that he or she is disabled and incapable
60 of self-support or that he or she receives benefits under the
61 federal Supplemental Security Income program or Social Security
62 Disability Insurance program;
63   f. Demonstrates that he or she receives temporary cash
64 assistance pursuant to chapter 414; or
65   g. Demonstrates that he or she is making payments in
66 accordance with a confirmed bankruptcy plan under chapter 11,
67 chapter 12, or chapter 13 of the United States Bankruptcy Code,
68 11 U.S.C. ss. 101 et seq.; and
69   2. Pays any applicable delinquency fees.
70
71 If an obligor in a non-IV-D case enters into a written agreement
72 for payment before the expiration of the 20-day period, the
73 obligor must provide a copy of the signed written agreement to
74 the depository or the clerk of the court. If an obligor seeks to
75 satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-

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76   subparagraph 1.f., or sub-subparagraph 1.g. before expiration of
77   the 20-day period, the obligor must provide the applicable
78   documentation or proof to the depository or the clerk of the
79   court.
80   (4)(a) The obligor may, within 20 days after the mailing
81   date on the notice of delinquency or noncompliance and intent to
82   suspend, file in the circuit court a petition to contest the
83   notice of delinquency or noncompliance and intent to suspend on
84   the ground of:
85   1. Mistake of fact regarding the existence of a
86   delinquency; or
87   2. Mistake of fact regarding the identity of the obligor;
88   or
89   3. No ability to make payments toward the delinquency due
90   to circumstances including, but not limited to, temporary
91   interruption in employment as the result of a natural disaster,
92   incapacitation as the result of an illness or temporary medical
93   condition, or temporary unexpected involuntary unemployment.
94   (b) The obligor must serve a copy of the petition on the
95   Title IV-D agency in IV-D cases or depository or clerk of the
96   court in non-IV-D cases. When an obligor timely files a petition
97   to contest, the court must hear the matter within 15 days after
98   the petition is filed. The court must enter an order resolving
99   the matter within 10 days after the hearing, and a copy of the
100   order must be served on the parties. The timely filing of a

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101 petition to contest stays the notice of delinquency and intent

102 to suspend until the entry of a court order resolving the

103 matter.

104   Section 3. This act shall take effect July 1, 2017.

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