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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/27/2017	.	
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The Committee on Criminal Justice (Bracy) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

Section 2. Paragraph (c) of subsection (1) and subsection
(3) of section 61.13016, Florida Statutes, are amended to read:
61.13016 Suspension of driver licenses and motor vehicle
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
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 (c) That notification will be given to the Department of
32 Highway Safety and Motor Vehicles to suspend the obligor's
33 driver license and motor vehicle registration unless, within 20
34 days after the date that the notice is mailed, the obligor:

35 1.a. Pays the delinquency in full and any other costs and
36 fees accrued between the date of the notice and the date the
37 delinquency is paid;

38 b. Enters into a written agreement for payment with the
39 obligee in non-IV-D cases or with the Title IV-D agency in IV-D



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40 cases; or in IV-D cases, complies with a subpoena or order to
41 appear, order to show cause, or a similar order;

42 c. Files a petition with the circuit court to contest the
43 delinquency action;

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

46 e. Demonstrates that he or she is disabled and incapable of
47 self-support or that he or she receives benefits under the
48 federal Supplemental Security Income program or Social Security
49 Disability Insurance program;

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

52 g. Demonstrates that he or she is unable to pay support due
53 to an act of God, his or her own medical emergency, or sudden
54 involuntary unemployment beyond his or her control. For purposes
55 of this sub-subparagraph, the term "act of God" means an
56 unforeseeable act exclusively occasioned by the violence of
57 nature without the interference of any human agency; or

58 h.~~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.

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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
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-



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69 subparagraph 1.f., ~~or~~ sub-subparagraph 1.g., or sub-subparagraph
70 1.h. before expiration of the 20-day period, the obligor must
71 provide the applicable documentation or proof to the depository
72 or the clerk of the court.

73 (3) If the obligor does not, within 20 days after the
74 mailing date on the notice, pay the delinquency; enter into a
75 written agreement; comply with the subpoena, order to appear,
76 order to show cause, or other similar order; file a motion to
77 contest; or satisfy subparagraph (1)(c)1.d., sub-
78 subparagraph (1)(c)1.e., subparagraph (1)(c)1.f., ~~or~~ sub-
79 subparagraph (1)(c)1.g., or sub-subparagraph (1)(c)1.h., the
80 Title IV-D agency in IV-D cases, or the depository or clerk of
81 the court in non-IV-D cases, may file the notice with the
82 Department of Highway Safety and Motor Vehicles and request the
83 suspension of the obligor's driver license and motor vehicle
84 registration in accordance with s. 322.058.

85 Section 3. Paragraph (a) of subsection (5) of section
86 61.14, Florida Statutes, is amended to read:

87 61.14 Enforcement and modification of support, maintenance,
88 or alimony agreements or orders.—

89 (5) (a) When a court of competent jurisdiction enters an
90 order for the payment of alimony or child support or both, the
91 court shall make a finding of the obligor's imputed or actual
92 present ability to comply with the order. If the obligor
93 subsequently fails to pay alimony or support and a contempt
94 hearing is held, the original order of the court creates a
95 presumption that the obligor has the present ability to pay the
96 alimony or support and to purge himself or herself from the
97 contempt. At the contempt hearing, the obligor shall have the



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98 burden of proof to show that he or she lacks the ability to
99 purge himself or herself from the contempt. This presumption is
100 adopted as a presumption under s. 90.302(2) to implement the
101 public policy of this state that children shall be maintained
102 from the resources of their parents and as provided for in s.
103 409.2551, and that spouses be maintained as provided for in s.
104 61.08. The court shall state in its order the reasons for
105 granting or denying the contempt. The court shall deny the
106 contempt if the obligor demonstrates that he or she is unable to
107 pay support due to an act of God, his or her own medical
108 emergency, or sudden involuntary unemployment beyond his or her
109 control. For purposes of this paragraph, the term "act of God"
110 means an unforeseeable act exclusively occasioned by the
111 violence of nature without the interference of any human agency.

112 Section 4. This act shall take effect July 1, 2017.

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114 ===== T I T L E A M E N D M E N T =====

115 And the title is amended as follows:

116 Delete everything before the enacting clause
117 and insert:

118 A bill to be entitled

119 An act relating to child support; creating the
120 "Florida Responsible Parent Act"; amending s.
121 61.13016, F.S.; providing additional circumstances
122 under which an obligor who fails to pay child support
123 may avoid suspension of his or her driver license and
124 motor vehicle registration; amending s. 61.14, F.S.;
125 requiring a court to deny an order for contempt if an
126 obligor demonstrates that he or she is unable to pay



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child support due to specified circumstances;
providing an effective date.