



924974

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
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. Subsections (1) and (4) of section 61.13016,
Florida Statutes, are amended to read:

61.13016 Suspension of driver licenses and motor vehicle
registrations.—



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

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

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



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

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

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

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

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

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

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

61 2. Pays any applicable delinquency fees.

62

63 If an obligor in a non-IV-D case enters into a written agreement
64 for payment before the expiration of the 20-day period, the
65 obligor must provide a copy of the signed written agreement to
66 the depository or the clerk of the court. If an obligor seeks to
67 satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-
68 subparagraph 1.f., or sub-subparagraph 1.g. before expiration of



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69 the 20-day period, the obligor must provide the applicable
70 documentation or proof to the depository or the clerk of the
71 court.

72 (4) (a) The obligor may, within 20 days after the mailing
73 date on the notice of delinquency or noncompliance and intent to
74 suspend, file in the circuit court a petition to contest the
75 notice of delinquency or noncompliance and intent to suspend on
76 the ground of:

77 1. Mistake of fact regarding the existence of a
78 delinquency; ~~or~~

79 2. Mistake of fact regarding the identity of the obligor;
80 or

81 3. No ability to make payments toward the delinquency due
82 to circumstances including, but not limited to, temporary
83 interruption in employment as the result of a natural disaster,
84 incapacitation as the result of an illness or temporary medical
85 condition, or temporary unexpected involuntary unemployment.

86 (b) The obligor must serve a copy of the petition on the
87 Title IV-D agency in IV-D cases or depository or clerk of the
88 court in non-IV-D cases. When an obligor timely files a petition
89 to contest, the court must hear the matter within 15 days after
90 the petition is filed. The court must enter an order resolving
91 the matter within 10 days after the hearing, and a copy of the
92 order must be served on the parties. The timely filing of a
93 petition to contest stays the notice of delinquency and intent
94 to suspend until the entry of a court order resolving the
95 matter.

96 Section 3. This act shall take effect July 1, 2017.
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98 ===== T I T L E A M E N D M E N T =====

99 And the title is amended as follows:

100 Delete everything before the enacting clause

101 and insert:

102 A bill to be entitled

103 An act relating to child support; creating the

104 "Florida Responsible Parent Act"; amending s.

105 61.13016, F.S.; providing additional circumstances

106 under which an obligor who fails to pay child support

107 may avoid suspension of his or her driver license and

108 motor vehicle registration; providing an effective

109 date.