

By Senator Bracy

11-00926-17

2017552__

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.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
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

11-00926-17

2017552__

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;

11-00926-17

2017552__

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 of
65 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 due
71 to an act of God, a medical emergency involving him or her, or
72 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

11-00926-17

2017552__

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., 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, maintenance,
108 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

11-00926-17

2017552__

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
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.