

| COMMITTEE/SUBCOMMITTEE | ACTION |
|------------------------|--------|
| ADOPTED | (Y/N) |
| ADOPTED AS AMENDED | (Y/N) |
| ADOPTED W/O OBJECTION | (Y/N) |
| FAILED TO ADOPT | (Y/N) |
| WITHDRAWN | (Y/N) |
| OTHER | |
| | |

Committee/Subcommittee hearing bill: Children, Families & Seniors Subcommittee

Representative Daniels offered the following:

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Amendment (with title amendment)

Remove everything after the enacting clause and insert:

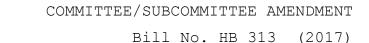
Section 1. This act may be cited as the "Florida"

Responsible Parent Act."

Section 2. Section 61.13016, Florida Statutes, is amended to read:

- 61.13016 Suspension of driver licenses and motor vehicle registrations.—
- (1) The driver license and motor vehicle registration of a support obligor who is delinquent in payment or who has failed to comply with subpoenas or a similar order to appear or show cause relating to paternity or support proceedings may be

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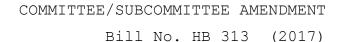




| suspended. When an obligor is 15 days delinquent making a |
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| payment in support or failure to comply with a subpoena, order |
| to appear, order to show cause, or similar order in IV-D cases, |
| the Title IV-D agency may provide notice to the obligor of the |
| delinquency or failure to comply with a subpoena, order to |
| appear, order to show cause, or similar order and the intent to |
| suspend by regular United States mail that is posted to the |
| obligor's last address of record with the Department of Highway |
| Safety and Motor Vehicles. When an obligor is 15 days delinquent |
| in making a payment in support in non-IV-D cases, and upon the |
| request of the obligee, the depository or the clerk of the court |
| must provide notice to the obligor of the delinquency and the |
| intent to suspend by regular United States mail that is posted |
| to the obligor's last address of record with the Department of |
| Highway Safety and Motor Vehicles. In either case, the notice |
| must state: |

- (a) The terms of the order creating the support obligation;
- (b) The period of the delinquency and the total amount of the delinquency as of the date of the notice or describe the subpoena, order to appear, order to show cause, or other similar order that has not been complied with;
- (c) That notification will be given to the Department of Highway Safety and Motor Vehicles to suspend the obligor's

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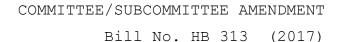




driver license and motor vehicle registration unless, within 20 days after the date that the notice is mailed, the obligor:

- 1.a. Pays the delinquency in full and any other costs and fees accrued between the date of the notice and the date the delinquency is paid;
- b. Enters into a written agreement for payment with the obligee in non-IV-D cases or with the Title IV-D agency in IV-D cases; or in IV-D cases, complies with a subpoena or order to appear, order to show cause, or a similar order;
- c. Files a petition with the circuit court to contest the delinquency action as provided in subsection (4);
- d. Demonstrates that he or she receives reemployment assistance or unemployment compensation pursuant to chapter 443;
- e. Demonstrates that he or she is disabled and incapable of self-support or that he or she receives benefits under the federal Supplemental Security Income program or Social Security Disability Insurance program;
- f. Demonstrates that he or she receives temporary cash assistance pursuant to chapter 414; or
- g. Demonstrates that he or she is making payments in accordance with a confirmed bankruptcy plan under chapter 11, chapter 12, or chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.; and
 - 2. Pays any applicable delinquency fees.

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

- (2) (a) Upon petition filed by the obligor in the circuit court within 20 days after the mailing date of the notice, the court may, in its discretion, direct the department to issue a license for driving privilege restricted to business purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. As a condition for the court to exercise its discretion under this subsection, the obligor must agree to a schedule of payment on any child support arrearages and to maintain current child support obligations. If the obligor fails to comply with the schedule of payment, the court shall direct the Department of Highway Safety and Motor Vehicles to suspend the obligor's driver license.
- (b) The obligor must serve a copy of the petition on the Title IV-D agency in IV-D cases or on the depository or the clerk of the court in non-IV-D cases. When an obligor timely files a petition to set aside a suspension, the court must hear

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the matter within 15 days after the petition is filed. The court must enter an order resolving the matter within 10 days after the hearing, and a copy of the order must be served on the parties. The timely filing of a petition under this subsection stays the intent to suspend until the entry of a court order resolving the matter.

- (3) If the obligor does not, within 20 days after the mailing date on the notice, pay the delinquency; enter into a written agreement; comply with the subpoena, order to appear, order to show cause, or other similar order; file a motion to contest; or satisfy sub-subparagraph (1)(c)1.d., sub-subparagraph (1)(c)1.e., sub-subparagraph (1)(c)1.f., or sub-subparagraph (1)(c)1.g., the Title IV-D agency in IV-D cases, or the depository or clerk of the court in non-IV-D cases, may file the notice with the Department of Highway Safety and Motor Vehicles and request the suspension of the obligor's driver license and motor vehicle registration in accordance with s. 322.058.
- (4) (a) The obligor may, within 20 days after the mailing date on the notice of delinquency or noncompliance and intent to suspend, file in the circuit court a petition to contest the notice of delinquency or noncompliance and intent to suspend on the ground of:
- 114 <u>1.</u> Mistake of fact regarding the existence of a delinquency; or

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COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. HB 313 (2017)

Amendment No.

| 116 | 2. Mistake of fact regarding the identity of the obligor; |
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| 117 | <u>or</u> |
| 118 | 3. No ability to make payments toward the delinquency due |
| 119 | to circumstances including, but not limited to, temporary |
| 120 | interruption in employment as the result of a natural disaster; |
| 121 | incapacitation as the result of an illness or temporary medical |
| 122 | condition; or temporary unexpected involuntary unemployment. |
| 123 | (b) The obligor must serve a copy of the petition on the |
| 124 | Title IV-D agency in IV-D cases or depository or clerk of the |
| 125 | court in non-IV-D cases. When an obligor timely files a petition |
| 126 | to contest, the court must hear the matter within 15 days after |
| 127 | the petition is filed. The court must enter an order resolving |
| 128 | the matter within 10 days after the hearing, and a copy of the |
| 129 | order must be served on the parties. The timely filing of a |
| 130 | petition to contest stays the notice of delinquency and intent |
| 131 | to suspend until the entry of a court order resolving the |
| 132 | matter. |
| 133 | (5) The procedures prescribed in this section and s. |
| 134 | 322.058 may be used to enforce compliance with an order to |
| 135 | appear for genetic testing. |
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| 137 | |
| 138 | TITLE AMENDMENT |
| 139 | Remove everything before the enacting clause and insert: |
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COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. HB 313 (2017)

Amendment No.

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| An act relating to child | support; cre | eating the ' | "Florida |
|---------------------------|---------------|--------------|------------------|
| Responsible Parent Act"; | amending s. | 61.13016, I | F.S.; providing |
| additional circumstances | under which | an obligor | who fails to pay |
| child support may avoid | suspension of | his or her | r driver license |
| and motor vehicle regist: | ration; provi | ding an eft | fective date. |

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