IN THE CIRCUIT COURT OF THE \_\_\_\_\_\_\_ JUDICIAL CIRCUIT,

IN AND FOR \_\_\_\_\_\_\_\_\_ COUNTY, FLORIDA

CASE NO.: \_\_\_\_\_\_\_\_\_\_\_\_

FAMILY DIVISION

, Petitioner

and

, Respondent.

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**PETITION FOR ORDER DENYING OR SUSPENDING RESPONDENT’S PROFESSIONAL LICENSE OR CERTIFICATION**

COMES NOW, the Petitioner, \_\_\_\_\_\_\_\_\_\_\_\_, by and through the undersigned counsel, and moves this Honorable Court to enter an order to deny the Respondent’s application for a professional license or certification or alternatively suspend the Respondent’s professional license or certification (whichever is applicable), and in support shows as follows:

1. Respondent has a child support obligation pursuant to his/her Final Judgment for Dissolution of Marriage entered on \_\_\_\_\_\_\_. The monthly support obligation amount is $\_\_\_\_\_\_\_\_.
2. Respondent has failed to pay obligation from \_\_\_\_\_\_\_\_ through \_\_\_\_\_\_\_. This results in \_\_\_\_\_\_\_ months of delinquency multiplied by the support per month and a resulting arrearage of $\_\_\_\_\_\_\_\_.[[1]](#footnote-1)
3. In order to achieve or obtain an order suspending Respondent’s professional license or certification, Florida Statute 61.13015 sets out a multi-step process:
   1. First, Petitioner must serve an initial 30-day notice to Respondent. If Respondent does not acknowledge this notice by paying the delinquency or forming an agreement to pay the delinquency, Petitioner must serve another 30-day notice to Respondent. Respondent must either pay the delinquency or enter into a mutually agreeable payment plan.
      1. Petitioner has duly served two (2) 30-day notices to Respondent. See Exhibits “A” (First Notice) and “B” (Second Notice). Respondent has failed to respond to either notice, and Respondent had failed to pay the delinquency or reach an agreement to pay the delinquency.
   2. Second, Petitioner “may petition the court to deny the application for the license or certificate or to deny the application for the license or certificate or to suspend the license or certificate of the obligor.”
4. Florida Statute 61.13015 provides safeguards and multiple opportunities for Respondent to avoid penalties including:

“If the court denies or suspends a license or certificate and the obligor subsequently pays the delinquency or reaches an agreement with the obligee to settle the delinquency and makes the first payment required by the agreement, the license or certificate shall be issued or reinstated upon written proof to the court that the obligor has complied with the court order. Proof of payment shall consist of a certified copy of the payment record issued by the depository. [And] the court may not deny or suspend a license or certificate if the court determines that an alternative remedy is available to the obligee which is likely to accomplish the objective of collecting the delinquency.” Fla. Stat. 61.13015(4).

1. Petitioner has exhausted all other available remedies.
2. Petitioner alerts this Honorable Court that Florida Statute 61.13015 also states in part, “The court may find that it would be inappropriate to deny or suspend a license or certificate if:
   1. Denial or suspension would result in irreparable harm to the obligor or employees of the obligor or would not accomplish the objective of collecting the delinquency; or
   2. The obligor demonstrates that he or she has made a good faith effort to reach an agreement with the obligee.”
3. Under these circumstances, Petitioner states that suspending or denying Respondent’s Professional License or Certification will not result in irreparable harm and would accomplish the objective of collecting the delinquency. Petitioner also states that Respondent has not made a good faith effort to reach an agreement to pay the delinquent support obligation.
4. Petitioner has retained the undersigned counsel and has agreed to pay to them a reasonable fee for their services for which Respondent should be liable for. Accordingly, Petitioner requests that Respondent reimburse undersigned counsel whom Petitioner retained for this matter in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Petitioner further requests an award of all taxable court costs.

WHEREFORE, based upon the foregoing facts, authorities, and record established to date and given the outstanding unpaid child support obligation, Petitioner requests that this Honorable Court enter an order denying or suspending Respondent’s Professional License or Certification. Petitioner also requests any other relief as may be just and proper and reasonable attorney’s fees and for costs.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed and/or emailed to Respondent \_\_\_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_, email (if known) \_\_\_\_\_\_\_\_\_\_\_, this \_\_\_ day of \_\_\_\_\_\_\_\_\_, 2015.

Your Support Solution, P.A. d/b/a

Support Solutions

Counsel for Petitioner

Latitude One Suite 1600

175 S.W. 7th Street

Miami, Florida 33130

Tel. 844-PAY-KIDS

E-mail: legal@owedsupport.com

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Lawrence Shapiro, Esq.

FBN: 0796085

David Bonham, Esq.

FBN: 0128813

1. Legislative intent regarding the need for enforcement of child support obligations is set out in Chapter 409 of the Florida Statutes, “Social and Economic Assitance.” The rationale pronounced by the legislature should hold equally true for Title IV cases as well as attempts to collect support undertaken by private litigants. See, Florida Statute 61.13015(1).

   **“Common-law and statutory procedures governing the remedies for enforcement of support for financially dependent children by persons responsible for their support have not proven sufficiently effective or efficient to cope with the increasing incidence of financial dependency.** The increasing workload of courts, prosecuting attorneys, and the Attorney General has resulted in a growing burden on the financial resources of the state, which is constrained to provide public assistance for basic maintenance requirements when parents fail to meet their primary obligations. The state, therefore, exercising its police and sovereign powers, declares that the common-law and statutory remedies pertaining to family desertion and nonsupport of dependent children shall be augmented by additional remedies directed to the resources of the responsible parents. In order to render resources more immediately available to meet the needs of dependent children, it is the legislative intent that the remedies provided herein are in addition to, and not in lieu of, existing remedies. **It is declared to be the public policy of this state that this act be construed and administered to the end that children shall be maintained from the resources of their parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through public assistance programs.”** (Emphasis added). Fla. Stat. 409.2551 (2013). [↑](#footnote-ref-1)