



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

June 20, 2024

Bobby York  
Program Rules Coordinator  
Department of Revenue  
2450 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0100

Dear Bobby York:

Your adoption package for Rule 12E-1.008, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 8:13 a.m. on June 20, 2024. After review, it appears that the package meets statutory requirements and those of Rule 1-1.010, F.A.C. and is deemed filed for adoption at the time received, as indicated above. The effective date is July 10, 2024.

Sincerely,

Matthew J. Hargreaves  
Administrative Code and Register Director

MJH/al

**From:** [Bobby York](#)  
**To:** [RuleAdoptions](#)  
**Cc:** [Janet Young](#); [Bobby York](#)  
**Subject:** Adoption Packet for 12E-1.008  
**Date:** Thursday, June 20, 2024 8:13:33 AM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[Adoption Packet for 12E-1.008.pdf](#)  
[Rule Text 12E-1.008.docx](#)

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EMAIL RECEIVED FROM EXTERNAL  
SOURCE

The attachments/links in this message have been scanned by Proofpoint.

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The following Department of Revenue Rule is presented for certification:

- 12E-1.008

Please see the attached PDF of the certification packet and a Word document with the rule text.

Thank you,

**Bobby York**

*Program Rules Coordinator*  
CSP | Procedures, Rules and Forms  
Florida Department of Revenue  
(850) 617-8037  
[bobby.york@floridarevenue.com](mailto:bobby.york@floridarevenue.com)

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Representative Shane G. Abbott  
Representative Jervonte "Tae" Edmonds  
Representative Alina Garcia  
Representative Yvonne Hayes Hinson  
Representative Joel Rudman, M.D.



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THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

**CERTIFICATION**

**Department:** Department of Revenue  
**Agency:** Child Support Program  
**Rule No(s):** 12E-1.008  
**File Control No:** 192941

As required by subparagraph 120.54(3)(e)4 F.S., the Joint Administrative Procedures Committee hereby certifies that:

- There were no material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rule; or
- The adopting agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rules; or
- The adopting agency has not responded in writing to all material and timely written comments or written inquiries made on behalf of the Committee regarding the above listed rules.

Certification Date: 6/20/2024

This certification expires after: 6/27/2024

Certifying Attorney: Jamie Jackson

**NOTE:**

- The above certified rules include materials incorporated by reference.*
- The above certified rules do not include materials incorporated by reference.*



**Florida Department of Revenue**  
*Office of the Executive Director*

**Jim Zingale**  
Executive Director

5050 West Tennessee Street, Tallahassee, FL 32399

floridarevenue.com

June 20, 2024

Matthew Hargreaves, Chief  
Florida Department of State  
R.A. Gray Building, Mail Station 22  
500 S. Bronough Street  
Tallahassee, Florida 32399-0250

Re: Certification of Department of Revenue Rules

Dear Mr. Hargreaves:

The following Department of Revenue Rule is presented for certification:

12E-1.008

The following persons may be contacted regarding these rule certifications:

Bobby York                      850-617-8037                      Bobby.York@floridarevenue.com

Florida Department of Revenue  
Building Two, Room 4464  
2450 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0100

Sincerely,

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Janet L. Young  
Agency Rules Coordinator

CERTIFICATION OF DEPARTMENT OF REVENUE  
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the ombudsman in the Executive Office of the Governor.

The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

12E-1.008

Under the provision of section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective Date:

\_\_\_\_\_  
(month) (day) (year)



\_\_\_\_\_  
Signature, Person Authorized to Certify Rules

\_\_\_\_\_  
General Counsel

\_\_\_\_\_  
Title

\_\_\_\_\_  
6

\_\_\_\_\_  
Number of Pages Certified

CERTIFICATION OF DEPARTMENT OF STATE  
DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION

Pursuant to Section 120.695(2)(c)3., Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

None

Rules covered by this certification:

Rule 12E-1.008, F.A.C.

  
\_\_\_\_\_  
Signature of Agency Head  
Executive Director  
\_\_\_\_\_  
Title

STATE OF FLORIDA  
DEPARTMENT OF REVENUE  
CHAPTER 12E-1, FLORIDA ADMINISTRATIVE CODE  
CHILD SUPPORT PROGRAM  
AMENDING RULE 12E-1.008

SUMMARY OF PROPOSED RULES

The proposed amendments to Rule 12E-1.008, F.A.C. (Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause to Not Cooperate), provide current cooperation requirements for applicants or recipients of public assistance and that the Department will suspend actions on child support case activities from the time a request to not cooperate is received until a final determination is made. The proposed amendments also remove provisions redundant of the Request Not to Cooperate (CS-CF08).

FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES

The proposed amendments to Rule 12E-1.008, F.A.C. (Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause to Not Cooperate – new title), are necessary to provide that any action on child support case activities will be suspended from the time a request to not cooperate is received until a final determination is made.

FEDERAL COMPARISON STATEMENT

The provisions contained in this rule does not conflict with comparable federal laws, policies, or standards.

SUMMARY OF RULE DEVELOPMENT WORKSHOP

JULY 12, 2023

A Notice of Proposed Rule Development was published in the *Florida Administrative Register* on June 28, 2023 (Vol. 49, No. 125, pp. 2318-2319) to advise the public of the proposed changes to Rule 12E-1.008 F.A.C., and to provide that, if requested in writing, and not deemed unnecessary by the agency head, a rule development workshop would be held Wednesday, July 12, 2023. No request has been received, and no workshop has been held. No written comments have been received by the Department.



## SUMMARY OF PUBLIC MEETING

December 19, 2023

The Governor and Cabinet, sitting as head of the Department of Revenue, met on December 19, 2023, and approved the publication of the Notice of Proposed Rule for Rule 12E-1.008, F.A.C., as well as approval to file and certify the rule with the Secretary of State pursuant to s. 120.54(3)(e)1., F.S., if the substance of the proposed rule remains unchanged upon reaching the date applicable to filing for final adoption pursuant to s. 120.54(3)(e)2., F.S. A notice for the public meeting was published in the *Florida Administrative Register* on December 8, 2023 (Vol. 49, No. 237, p. 4521).

The Department has withdrawn the proposed changes to Rule 12E-1.008, F.A.C. (Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause to Not Cooperate – new title), to adopt updates to the Notice of Noncooperation (CS-CF07), the Request to Not Cooperate (CS-CF08), and the Notice of Decision Request to Not Cooperate (CS-CF11).

## SUMMARY OF RULE HEARING

A Notice of Proposed Rule was published in the *Florida Administrative Register* on May 17, 2024 (Vol. 50, No. 98, pp. 1774-1777), to advise the public of the proposed changes to Rule 12E-1.008, F.A.C. The notice also provided that, if requested in writing, a public hearing would be held. No request to hold a rule hearing was received. Comments were received from the Joint Administrative Procedures Committee. A Notice of Correction for Rule 12E-1.008, F.A.C., was published in the *Florida Administrative Register* on June 6, 2024 (Vol. 50, No. 111, p. 1968), in response to the comments received.

STATE OF FLORIDA  
DEPARTMENT OF REVENUE  
CHAPTER 12E-1, FLORIDA ADMINISTRATIVE CODE  
CHILD SUPPORT PROGRAM  
AMENDING RULE 12E-1.008

**12E-1.008 Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause to Not Cooperate.**

(1) Definitions.

(a) Definitions. As used in this section:

1. “Applicant” or “recipient” means an individual who has applied for or receives public assistance.

2. “Cooperation” means an applicant or recipient taking the actions identified in Section 409.2572, F.S., as requested by the child support program, to assist in identifying and locating the parent who owes support; establishing paternity; establishing, modifying, and enforcing medical and financial support; and collecting support or other payments or property due from the parent who owes support.

3. “Department” means the Department of Revenue.

4. “Good cause to not cooperate” means a legally and factually sufficient reason to excuse the applicant or recipient from cooperation requirements as determined by the Department, after evaluating the applicant or recipient’s written good cause to not cooperate claim, and other evidence available to the Department, in accordance with subsection (5) of this rule.

5. “Public assistance” means temporary cash assistance; food assistance received on behalf of a child under 18 years of age residing most of the time with only one parent or a nonparent caregiver; or money paid for foster care or Medicaid under Title IV-E and Title XIX of the Social Security Act, respectively.

(2) Cooperation Requirements for Applicants or Recipients of Public Assistance. ~~As a condition of eligibility for public assistance, an applicant or recipient must cooperate in good faith with the child support program to help the Department identify and locate the alleged father or parent who owes support, establish paternity; establish, modify, and enforce medical and financial support; and collect support from the parent who owes support or the applicant must request to not cooperate.~~

(a) The requirement for an applicant or a recipient to cooperate with the child support program will be excused only when the Department has approved a request for good cause to not cooperate in accordance with subsection (5).

(b) An adult who applies for or receives Medicaid services for a child only is not required to cooperate.

(c) An applicant or recipient of Medicaid-only must cooperate in establishing, modifying and enforcing medical support if the applicant or recipient is receiving Medicaid. The requirement for an applicant or a recipient to cooperate with the child support program will be excused only when the Department has approved a request for good cause to not cooperate in accordance with subsection (5).

(a) Cooperation Requirement for Applicants for Public Assistance.

1. The requirement to cooperate for purpose of public assistance eligibility is satisfied if the applicant provides the Department, either directly or through the Department of Children and Families, the following information concerning the alleged father or parent who owes support of each child for whom public assistance is sought:

a. First and last name;

b. Gender;

c. Race; and

d. Date of birth or social security number.

2. If the applicant does not cooperate as required by subparagraph 1., the applicant must be interviewed by the Department. At the interview, the applicant may cooperate by providing information concerning the alleged father or parent who owes support of each child. An applicant who does not have information about the location or identity of the alleged father or parent who owes support satisfies the requirement to cooperate.

3. An applicant is not eligible for public assistance when the applicant does not cooperate with the Department as provided by subparagraphs 1. and 2. The Department will notify the Department of Children and Families of the applicant's noncooperation as provided by subsection (6).

4. Once the applicant or recipient satisfies the requirement to cooperate for purposes of public assistance eligibility, the applicant or recipient must cooperate further with the Department as provided by subsection (2), paragraph (b) and Section 409.2572, F.S.

(b) Continuous Cooperation Requirement.

(d)1. A recipient of public assistance must ~~continue~~ to make a good faith effort to cooperate with the Department as provided by Section 409.2572, F.S., to assist the Department in its efforts to identify and locate the

alleged father or parent who owes support to establish paternity; establish, modify, and enforce medical and financial support; and collect support from the parent who owes support.

2. The recipient must provide the following information regarding the alleged father or parent who owes support when requested by the Department, if known:

- a. Social Security Number;
- b. Race;
- c. Date of birth;
- d. Current or former employer;
- e. Place of birth;
- f. Current or former address and phone number;
- ~~g. Driver license number and state where issued;~~
- ~~h. Make, model, license number of vehicles owned, and state where the vehicle is or was registered;~~
- ~~i. Arrest and incarceration history;~~ and
- g.j. Other information, based upon individual case circumstances, that may help the Department determine the

identity and location of the alleged father or parent who owes support.

3. A recipient who does not have information about the location or identity of the alleged father or parent who owes support satisfies the requirement to cooperate.

(3) Determination of Noncooperation. If a recipient of public assistance does not cooperate with the Department as provided by Section 409.2572, F.S., and subsection (2), the Department will mail the Notice of Noncooperation (Form CS-CF07), incorporated herein by reference, effective 11/21, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13848>) to the recipient at the last known address provided to the Department.

(a) The recipient may return the CS-CF07 or contact the Department within 10 business days after the date of mailing of the notice to make arrangements to cooperate, request good cause to not cooperate, or request the Department to conduct an informal review as provided by subsection (4). At the time of the request for informal review the recipient may state if they want to be present during the review and if they want a representative present during the review.

(b) If the recipient does not take timely action as required by paragraph (3)(a), the Department will notify the

Department of Children and Families of the recipient's noncooperation as provided by subsection (6).

(c) The Department does not report noncooperation to the Department of Children and Families if the recipient cooperates by the date specified in the CS-CF07 notice mailed to the recipient. The recipient is not reported as uncooperative unless the request to not cooperate is denied by the Department as provided by subsection (5), and the recipient continues to not cooperate. ~~Food assistance only recipients must make requests to not cooperate directly to the Department of Children and Families.~~

(4) Request for Informal Review.

(a) Reviews of pending determinations of noncooperation requested pursuant to subsection (3), paragraph (b), must be completed within 20 business days after receipt of a completed request for review. The Department will contact the recipient with an explanation of the additional information required if an incomplete request is provided to the Department. The Department will make arrangements for the parent to comply with the requested action if the parent indicates their intent is to cooperate in their request for a review. The Department will determine the recipient is noncooperative and notify the Department of Children and Families if the parent indicates their intent is to not cooperate in their request for a review.

(b) The Department will take the following actions when a completed request for review is received by the Department.

1. Schedule a date to conduct the review if the recipient has requested to be present for the review and send a notice to the recipient to appear in a local child support office before the date specified in the notice, which must be at least 10 days after the date the notice is mailed. If the recipient chooses to have a representative present at the review, the recipient is responsible for making those arrangements.

2. Conduct the review. Reviews consist of an examination of the Department's case record, interview with Department staff and an evaluation of the recipient's statements. The Department provides the results of the review to the parent on the Notice of Decision on Noncooperation (CS-CF38), incorporated herein by reference, effective 09/18, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09857>).

(5) Good Cause Request to not Cooperate in Public Assistance Cases. The Department is authorized in accordance with 42 U.S.C. 654(29), and Section 409.2572(4), F.S., to determine a recipient's request to not cooperate in public assistance cases, ~~except when the recipient is receiving only food assistance. Food assistance only recipients must make requests to not cooperate directly to the Department of Children and Families.~~ An

approved request excuses the recipient from the requirement to cooperate with the Department ~~on the specific case against a specific alleged father or parent who owes support for which the request to not cooperate is approved.~~

(a) When an applicant or recipient ~~states he or she~~ does not want to cooperate because doing so may will endanger the recipient or child(ren), the recipient must complete, sign and return the Request to Not Cooperate (CS-CF08) form, incorporated herein by reference, effective 11/20, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12330>) ~~with supporting documents~~ within 30 20 days after the date of the Request to Not Cooperate. ~~If the recipient does provide documentation timely or the documentation is not sufficient to support the claim that cooperation may endanger the recipient or child, the Department denies the request to not cooperate and proceeds with establishing paternity or support order, or paternity and support.~~

(b) Requests for good cause to not cooperate are approved or denied based upon the information provided by the recipient. The Department will suspend action on child support case activities from the time a request to not cooperate is received until a final determination is made. The Department sends a Notice of Decision Request to Not Cooperate (CS-CF11), incorporated herein by reference, effective 09/18, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09858>) to notify the recipient of its decision.

~~(c)~~(b) A written request for good cause to not cooperate is approved when the recipient provides information that:

1. There is a reasonable likelihood that the recipient or child may be physically or emotionally harmed if cooperation is required;
2. The child was born as a result of rape or incest;
3. Legal proceedings for the adoption of the child are pending in court; or
4. The parent or caregiver is being assisted by a public or licensed private social services agency to determine whether to place the child for adoption.

~~(c) Requests for good cause are approved or denied based upon the information provided by the recipient. The Department will suspend child support case activities from the time a request to not cooperate is received until a final determination is made.~~

~~1. A request is approved when documentation is submitted to substantiate the circumstances establishing good cause.~~

(d)2- A written request for good cause to not cooperate is denied when the recipient does not provide a written

~~statement or documentation in support of the claim no documentation is provided or documentation does not substantiate the circumstances establishing good cause.~~

~~(d) The Department sends the Notice of Decision on Request to Not Cooperate (CS-CF11), incorporated herein by reference, effective 09/18, (<http://www.flrules.org/Gateway/reference.asp?No=Ref 09858>) to notify the recipient of the decision.~~

(e) A recipient whose request for good cause to not cooperate is denied pursuant to paragraph (e), subparagraph 2, must cooperate with the Department as provided by Section 409.2572, F.S. and subsection (2). If the recipient does not cooperate, the Department proceeds as provided ~~begins the process of determining noncooperation as stated~~ in subsection ~~(3)(2)~~.

(6) Notification to the Department of Children and Families.

(a) In accordance with Section 409.2572(3), F.S., the Department is responsible for determining and reporting to the Department of Children and Families, noncooperation by applicants and recipients of public assistance.

(b) The Department will notify the Department of Children and Families when the applicant or recipient cooperates with the Department in accordance with Section 409.2572, F.S., or when the Department determines that an applicant or recipient has not cooperated, or when the Department determines the recipient is not required to cooperate.

(c) The Department will notify the Department of Children and Families and the applicant or recipient within two business days after the Department's determination that:

1. The applicant or recipient is cooperating in good faith; or
2. Cooperation by the applicant or recipient is not needed or required to take the next appropriate case action.

*Rulemaking Authority 409.2557(3)(h) FS. Law Implemented 409.2572 FS. History—New 4-1-86, Amended 4-6-88, 7-20-94, Formerly 10C-25.006, Amended 3-6-02, 9-17-18, 11-12-20, 11-21-21,\_\_\_\_\_.*