

[illegible]

DEPARTMENT OF REVENUE

Child Support Program

RULE NOS.:	RULE TITLES:
12E-1.015	Reciprocity Requests
12E-1.037	Notification to Withhold Support from Reemployment Assistance

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12E-1.015, F.A.C. (Reciprocity Requests), is to remove a rule that implemented a statute that no longer exists and is no longer necessary. The purpose of proposed Rule 12E-1.037, F.A.C. (Notification to Withhold Support from Reemployment Assistance), is to clarify the percentage of reemployment assistance withheld for child support reported to the Florida Department of Commerce and the Department's actions when the parent who owes support and receives reemployment assistance files for bankruptcy.

SUMMARY: The proposed repeal of Rule 12E-1.015, F.A.C. (Reciprocity Requests), removes the obsolete incorporation by reference of the declarations of reciprocity established between

other countries. The proposed amendments to Rule 12E-1.037, F.A.C. (Notification to Withhold Support from Reemployment Assistance), clarify the percentage of reemployment assistance withheld for child support reported to the Florida Department of Commerce and that the amount of child support withheld is not affected when a parent owing child support files for bankruptcy. The proposed amendment reflects that the Department limits the reemployment assistance withholding percentage reported to no more than 40 percent per support order or a total of 50 percent of a parent's reemployment assistance and that the Department no longer provides parents a record of reemployment assistance withholding collections. The proposed amendments also reflect the agency name change from the Florida Department of Economic Opportunity to the Florida Department of Commerce.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS AND LEGISLATIVE
RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences regarding rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a Statement of Estimated Regulatory Costs, as set forth in Section 120.541(2)(a), F.S.

Any person wishing to provide information regarding a Statement of Estimated Regulatory Costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 409.2557 FS.

LAW IMPLEMENTED: 409.2557, 443.051 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Bobby York at (850)617-8037. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bobby York, Government Analyst II, Child Support Program, Department of Revenue, P.O. Box 8030, Mail Stop 2-4464, Tallahassee, Florida 32314-8030, Telephone: (850)617-8037.

THE FULL TEXT OF THE PROPOSED RULE IS:

The following rule is hereby repealed.

12E-1.015 Reciprocity Requests.

Rulemaking Authority 409.2557(3) FS. Law Implemented 88.1011(19)(b) FS. History—New 6-17-92, Amended 7-20-94, Formerly 10C-25.012, Amended 5-9-13, Repealed _____.

12E-1.037 Notification to Withhold Support from Reemployment Assistance.

(1) No change.

(2) Data exchange with the Florida Department of Commerce Economic Opportunity.

(a) The Department receives data files periodically from the Florida Department of Commerce Economic Opportunity and compares the reemployment assistance (formerly known as unemployment compensation) applicant information on the files to its own records of parents who owe support obligations and parents against whom the Department is seeking to establish a support obligation.

(b) If a name and social security number on a data file matches with a parent who has an open case in the Department's records, the Department adds the reemployment assistance information from the file to the parent's child support case record.

(c) No change.

(3) Notifying the Florida Department of Commerce Economic Opportunity of the withholding percentage.

(a) through (b) No change.

(4) Maximum withholding percentage.

(a) The Department limits the reemployment assistance withholding percentage reported ~~it reports~~ to the Florida Department of Commerce Economic Opportunity to no more than 40 percent per support order or a total of 50 percent of a parent's reemployment assistance.

~~(b) If~~ When a parent has more than one support order requiring withholding from reemployment assistance, the Department adds the withholding percentages from each of the orders and reports the combined withholding percentage to the Florida Department of Commerce Economic Opportunity. If the combined withholding percentage exceeds 50 percent, the

Department reports 50 percent as the withholding percentage. For example, if the parent has two support orders that each require withholding from reemployment assistance at a rate of 40 percent (totaling 80 percent), the Department reports 50 percent to the Florida Department of Commerce as the parent's withholding percentage. ~~For example, if a parent has two orders that each require withholding 20 percent from reemployment assistance, the total combined withholding percentage the Department reports for the parent is 40 percent.~~

~~2. When a parent has more than one support order requiring withholding from reemployment assistance and the combined withholding percentage exceeds 50 percent, the Department reports 50 percent as the withholding percentage. For example, if the parent has two support orders that each require withholding from reemployment assistance at a rate of 40 percent (totaling 80 percent), the Department reports 50 percent to the Department of Economic Opportunity as the parent's withholding percentage.~~

(5) Refunding collections that exceed the support obligation.

(a) No change.

(b) In addition to refunding excess withholding amounts, the Department will ~~shall~~ calculate an adjusted withholding percentage that does not exceed the parent's support obligation and notify the Florida Department of Commerce Economic Opportunity of the adjusted withholding percentage.

(c) If a subsequent reemployment assistance collection is withheld that exceeds the total support obligation as described in paragraph (5)(a), before the Florida Department of Commerce Economic Opportunity implements the adjusted withholding percentage, the Department will ~~shall~~ promptly refund the excess amount to the parent.

(6) through (7) No change.

~~(8) Payment receipts. The Department shall provide either parent with a record of reemployment assistance withholding collections upon request.~~

~~(8)(9) Bankruptcy. If the parent who owes support files bankruptcy, the withholding of current support from reemployment assistance may continue and is unaffected by the bankruptcy filing. When a Chapter 11, 12, or 13 bankruptcy case is filed for a parent who owes a support obligation and the Department receives the first reemployment assistance withholding collection before a bankruptcy plan is confirmed, withholding support from the parent's reemployment assistance continues until the bankruptcy plan is confirmed.~~

Rulemaking Authority 409.2557 FS. Law Implemented 409.2557, 443.051 FS. History—New 9-19-17, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bobby York, Government Analyst II, Child Support Program,

Department of Revenue, P.O. Box 8030, Mail Stop 2-4464,
Tallahassee, Florida 32314-8030, Telephone: (850)617-8037.
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 10, 2025
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: May 19, 2025

[REDACTED]

[REDACTED]