



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

**Jim Zingale**  
Executive Director

5050 West Tennessee Street, Tallahassee, FL 32399

floridarevenue.com

October 6, 2022

Ms. Anya C. Owens, 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 Ms. Owens:

The following Department of Revenue Rules are presented for certification:

12E-1.0051    12E-1.012    12E-1.027    12E-1.030    12E-1.040

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,

*Bobby York* /for

---

Janet Young  
Agency Rules Coordinator

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

I hereby certify:

[XX] (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

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

[XX] (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

[XX] (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-1.0051      12E-1.012      12E-1.027      12E-1.030      12E-1.040

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

\_\_\_\_\_  
Deputy Executive Director  
Title

\_\_\_\_\_  
12  
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-1.0051, F.A.C.  
Rule 12E-1.012, F.A.C.  
Rule 12E-1.027, F.A.C.  
Rule 12E-1.030, F.A.C.  
Rule 12E-1.040, 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 RULES 12E-1.0051, 12E-1.012, 12E-1.027, 12E-1.030, AND 12E-1.040

**12E-1.0051 Undistributable Collections.**

(1) Introduction. The Department is responsible for distribution of child support payments under section 409.2558, F.S. When the Department is unable to disburse the payment to the final intended recipient, the provisions of this rule apply ~~shall be applied~~.

(2) Definitions. For purposes of this rule:

(a) “Final intended recipient” means a ~~custodial parent, caregiver, noncustodial parent,~~ a parent’s or caregiver’s estate, or a state, country, or ~~Federal~~ agency providing Title IV-D services, including ~~those~~ agencies administering programs under Title IV-A (Temporary Assistance for Needy Families), Title IV-E (Foster Care), or and Title XIX (Medicaid) of the Social Security Act.

(b) “Obligee” means the person to whom support payments are made pursuant to an alimony or child support order.

(c) “Obligor” means a person who is responsible for making support payments pursuant to an alimony or child support order.

(d) “Undistributable collection” ~~means is defined by the social and economic assistance provisions in section 409.2554(14), F.S., to mean~~ a support payment received by the Department ~~that which the~~ Department determines cannot be distributed to the final intended recipient, as defined by section 409.2554(17), F.S.

(3) Undistributable Collection Processing.

(a) The Department will consider a collection undistributable when:

1. The final intended recipient is deceased and the Department cannot locate the individual's final intended recipient's estate or the estate does not claim the funds.

2. The final intended recipient cannot be found after making reasonable efforts to locate the individual.

~~a.(b)~~ The Department will use the following sources to try to find the final intended recipient. If the final intended recipient is deceased, location searches under subparagraphs 1. through 6. are not required. Reasonable efforts to locate a final intended recipient are considered complete ~~exhausted~~ when, at a minimum, searches of the Department's automated case management computer system, available electronic data exchange information from other state and federal agencies, and information available from a contractor providing location services to the Department, if any, ~~following sources~~ have taken place and the Department has not found the individual final intended recipient.

~~1. Department's automated case management computer system, to include electronic searches with multiple sources and responses from the Federal Parent Locator Service, as required in 45 CFR 303.70. This search includes the obligor, obligee, and children.~~

~~2. Florida Department of Highway Safety and Motor Vehicles.~~

~~3. Florida Department of Economic Opportunity. This search includes employment, wage, unemployment, and Workers' Compensation records.~~

~~4. Florida Department of Corrections.~~

~~5. Location sources available from an out-sourced location vendor, subject to a contractual agreement between the Department and vendor.~~

~~6. Secure Internet locate sites, as determined on a case-by-case basis.~~

~~b.(e)~~ If the searches under subparagraphs ~~(b)1. through 6.~~ find the final intended recipient, the Department disburses the payment.

~~c.(d)~~ If the searches under subparagraphs ~~(b)1. through 6.~~ do not find the final intended recipient, the payment collection ~~collection~~ is considered undistributable.

~~(b)~~ The Department will ~~shall~~ process the undistributable collections ~~collection~~ in priority order as

provided in section 409.2558(3), F.S.

~~(e) When the obligor has more than one support order with a past due balance being enforced by the Department, the Department shall notify the obligor by certified mail, restricted delivery, return receipt requested, of its intent to apply the collection to the obligor's other cases, according to section 409.2558(3)(b)6., F.S. If the address of the obligor is unknown, the Department will try to find the obligor using sources referenced in paragraph (b) of this subsection.~~

~~(f) If the obligor disagrees with the Department's plan to apply the collection to the obligor's other cases and a petition is filed in circuit court and served on the Department within 30 calendar days of the mailing date of notice, the Department will not apply the collection to the obligor's other cases unless the court enters an order for the Department to apply the collection to the obligor's other cases.~~

~~(g) When the Department has processed the collections as required in section 409.2558(3)(b)6., F.S., and there are collections remaining, the Department will refund the remaining collections to the obligor if the address of the obligor is known. If the address of the obligor is unknown, the Department will try to find the obligor using sources referenced in paragraph (b) of this subsection.~~

(4) Uncashed Checks for Less Than Ten Dollars.

(a) When the Department has sent one or more paper checks totaling less than ten dollars to the final intended recipient, and the individual has not cashed the check within 180 days of the issue date and does not have an established method of electronic disbursement, the Department will hold the collection for processing as program income.

1. The Department sends a Notice of Uncashed Check (CS-FM166) to the final intended recipient's last known address by regular mail. The notice states the Department's intention to process the collection as program income unless the individual contacts the Department to have the collection reissued. Form CS-FM166, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14806>), is incorporated herein by reference, effective 11/22.

2. If the final intended recipient does not contact the Department within 30 days of the date of the notice, the Department will process the collection as program income, crediting the federal share of the

collection to the federal government and the state share of the collection to the General Revenue Fund.

3. If the final intended recipient contacts the Department after the collection has been processed as program income, the Department will handle the request to claim the collection as provided in subsection (6).

(5)(4) Undistributed Collections for Ninety-Nine Cents or Less.

(a) If the Department has sent one or more paper checks totaling ninety-nine cents or less to a final intended recipient, the ~~final intended~~ recipient has not cashed the check(s) within 180 days of the issue date on the check(s), the collection(s) is the only remaining payment due to the final intended recipient, and the individual ~~final intended recipient~~ does not have an established method of electronic disbursement, the Department will ~~shall~~ process the collection as program income.

(b) If the Department identifies undistributed collections totaling ninety-nine cents or less on a closed case and the collection is the only remaining collection due to the final intended recipient, the Department processes ~~shall process~~ the collection as program income without attempting to locate the final intended recipient.

(6)(5) Claiming Reclamation of Undistributable Collections.

(a) The final intended recipient may claim ~~reclaim~~ undistributable collections retained as program income. The individual ~~final intended recipient~~ may not claim ~~reclaim~~ an undistributable collection if the collection was applied to bad check charges because the obligor's payment is returned to the Department ~~Child Support Enforcement Program~~ for insufficient funds, overpayments, state-assigned arrears, administrative costs, other cases in which the obligor owes past-due support, or the collection was returned to the obligor. The individual ~~final intended recipient~~ may contact the Department ~~local child support office or contact the Child Support Enforcement Program Office~~ and ask for the Payment Processing Unit, and to request the collection be disbursed ~~a reclamation form~~.

(b) The ~~To reclaim a collection, the~~ final intended recipient must complete and send to the ~~Department, Form CS-FM125, Request for Refund, dated July 2010,~~  
(<http://www.flrules.org/Gateway/reference.asp?No=Ref 00620>) incorporated by reference in this rule.



~~The final intended recipient must~~ prove they are entitled to the collection ~~owner~~ by giving his or her name, mailing address, and other case or demographic information as needed for the Department to verify the individual's identity if known, the child support or case number, date of payment(s), and amount claimed.

(c) The Department will review the information provided ~~submitted by the final intended recipient~~ and respond in writing to approve or deny the request.

1. If the request is approved, the Department will disburse ~~mail~~ the collection to the final intended recipient.

2. If the request is denied, the Department will mail the Form CS-FM127, Request for Disbursement Refund Denied (CS-FM127) to the final intended recipient. Form CS-FM127 dated July 2010, incorporated by reference in this rule, (http://www.flrules.org/Gateway/reference.asp?No=Ref-1480700621) is incorporated herein by reference effective 11/22 to the final intended recipient. Form CS-FM127 states the request is denied, reason for the denial, and the final intended recipient may contest the decision by seeking an administrative hearing under chapter 120, F.S. The form includes a Notice of Rights.

3. A final intended recipient may file a petition for ~~seek~~ an administrative hearing to contest the Department's decision to deny a request to claim ~~reclaim~~ a collection considered undistributable by the Department. A petition for an administrative hearing must be received by the Department of Revenue, Child Support ~~Enforcement~~ Program, Deputy Agency Clerk, within 20 calendar days from the mailing date of Form CS-FM127. Administrative hearings are ~~shall be~~ conducted pursuant to chapter 120, F.S.

(6) Forms. Members of the public may get a copy of the forms used in this rule chapter, incorporated by reference, without cost, by writing to the Department of Revenue, Child Support ~~Enforcement~~ Program, Attn.: Forms Coordinator, P.O. Box 8030, Tallahassee, Florida 32314-8030.

*Rulemaking Authority 409.2557(3)(j), 409.2558(3)(a), 409.2558(9) FS. Law Implemented 409.2558(3), 409.2558(5) FS. History—New 10-24-11, Amended \_\_\_\_\_.*

## **12E-1.012 Consumer Reporting Agencies.**

(1) through (3) No change.

(4) Notice and Right to Hearing.

(a) Before releasing a report or providing information concerning an obligor under this section, the Department ~~sends shall send~~ the obligor by regular mail to his or her last known address a Notice of Intent to Report to Consumer Reporting Agencies, Form CS-EF32, incorporated herein by reference, effective 11/20, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12332>). The notice informs ~~must inform~~ the obligor that:

1. through 6. No change.

(b) An obligor may contest the Department's reporting of overdue support to consumer reporting agencies. To contest:

1. and 2. No change.

3. When the review is concluded, the Department will ~~shall~~ hand-deliver or send the obligor by regular mail a Notice of Decision Concerning Report to Consumer Reporting Agencies, Form CS-EF62, incorporated herein by reference, effective 07/22 ~~11/21~~, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-1480813849>). The notice informs ~~must inform~~ the obligor whether the Department intends to report the obligor's overdue support amount to the consumer reporting agencies. The notice also informs ~~must inform~~ the obligor of the right under Chapter 120, F.S., to file a petition for administrative hearing to contest the accuracy of the information to be reported.

~~4. The obligor may contest the notice of decision by filing a petition for administrative hearing with the Department at the address provided in the notice within 15 days after receipt of the notice of decision. A petition is filed when it is received by the Department, not when it is mailed. If the obligor contests the notice of decision by filing a timely petition, the Department may not report information to consumer reporting agencies until the obligor withdraws the petition, the obligor consents, or a final order is entered that authorizes the release of the information.~~

(5) and (6) No change.

*Rulemaking Authority 61.1354(5), 409.2557(3)(i) FS. Law Implemented 61.1354 FS. History—New 6-17-92, Amended 7-20-94, Formerly 10C-25.009, Amended 10-22-00, 10-30-06, 9-19-17, 11-12-20, 11-21-21, 6-9-22, \_\_\_\_\_.*

#### **12E-1.027 Written Agreements for Payment of Past-Due Support.**

(1) No change.

(2) Definitions.

(a) and (b) No change.

(c) “Written agreement” or “payment agreement” means an agreement entered into by the Department and an obligor in a format prescribed by the department and suitable to be filed in court or administrative proceedings that sets the terms for payment of past-due support.

(3) No change.

~~(4) Terms of Written Agreements for Payment of Past Due Support.~~

~~(a) An obligor completing a written agreement for payment of past due support shall admit liability for the total amount of past due support determined by the department to be due in accordance with the records of the appropriate court depository established by section 61.181, F.S., or other appropriate records in interstate cases.~~

~~(b) Written agreements for payment of past due support must provide for payment(s) that will satisfy the total amount of past due support, as follows:~~

- ~~1. A one-time payment of the total past due support; or~~
- ~~2. Periodic payments in equal amounts, paid at the same frequency as the ongoing support obligation, if any, or~~

~~3. Another agreed upon payment schedule that satisfies the total past due support.~~

~~(c) When the department agrees to suspend an enforcement remedy to accept a payment plan, the written agreement shall provide that, in the event the obligor does not pay as agreed:~~

~~1. The department shall resume the enforcement remedy without further notice, unless the debt is paid in full, enforcement is contrary to law, or a subsequent written agreement is entered into with the obligor;~~

~~2. The obligor consents to the department resuming the enforcement remedy; and,~~

~~3. The obligor waives the right to further notice or hearing concerning the department resuming the enforcement remedy.~~

~~(4)(5)~~ Form and Completion of Written Agreements.

(a) The Department uses the Payment Agreement for Past-Due Support (CS-EF91) form to enter into a written agreement with an obligor. Form CS-EF91,

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-14809>), is incorporated herein by reference effective 11/22. A written agreement completed under this rule must specify the obligor's name, the obligee's name, and the civil circuit case number, if applicable.

~~(b) A written agreement must be signed on behalf of the department by an authorized representative.~~

~~(c) A written agreement must be signed by the obligor, or the obligor's attorney, or another representative authorized by law to enter into an agreement on behalf of the obligor.~~

(b)(d) A written agreement becomes effective when completed and signed by both the Department and the obligor, or the obligor's representative as described in paragraph (c), above. After execution of a written agreement, the Department provides department shall furnish the obligor, or the obligor's representative as described in paragraph (c), above, and the obligee with a copy of the agreement.

*Rulemaking Authority 409.2557(3)(f), 409.2564(13) FS. Law Implemented 61-13016, 409.2561(1), (2)(b), (3), 409.2564(4), 409.2598 FS. History—New 3-6-02, Amended \_\_\_\_\_.*

## **12E-1.030 Administrative Establishment of Child Support Obligations.**

(1) through (14) No change.

(15) Termination of an Administrative Support Order or Support Obligation.

(a) The Department issues a Notice of Intent to Terminate Support, Determine Arrears and Establish Payment on Arrears (CS-OA160) when:

1. The parents reside together with the child(ren);

2. The child(ren) for whom support is ordered permanently resides with the parent who is ordered to pay support;

3. The parent who is ordered to pay support begins receiving Supplemental Security Income (SSI) after the support order is rendered;

4. The parent who is ordered to pay support has no income, is permanently disabled, and provides a doctor's statement that the parent is permanently disabled and unable to work; or

5. A court has terminated the parental rights of the parent who is ordered to pay support.

(b) The Department sends the notice by regular mail to each parent or caregiver, as applicable, at the address of record with the Department in accordance with section 409.2563(13)(c), F.S. Form CS-OA160, Notice of Intent to Terminate Support, Determine Arrears and Establish Payment on Arrears, is hereby incorporated by reference, effective 11/22, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14810>).

(c) If a timely petition for an administrative hearing is filed with the Department in response to the notice, the Department refers the proceeding to the Division of Administrative Hearings in accordance with section 409.2563(6), F.S. If the notice is not contested, the Department renders a Final Order Terminating Support, Determining Arrears and Establishing Payment on Arrears (CS-OA178). Form CS-OA178 is hereby incorporated by reference, effective 11/22, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14811>).

(d) The Department terminates an administrative support order under paragraph (a) when retroactive support or past-due support is not owed, or if retroactive support or past-due support are owed, none is assigned to the state, and the parent to whom retroactive support or past-due support is owed waives it in writing, except when a parenting time plan is incorporated into a final administrative support order.

(e) The Department terminates the support obligation prospectively, determines arrears and establishes payment on arrears when there are grounds for termination under paragraph (a) and

retroactive support or past-due support are owed and not waived by the person to whom it is owed. The administrative support order is not terminated.

(f) A parent or caregiver may request the Department to terminate an administrative support order or support obligation. Requests must be made in writing and may be made using Request to Terminate Support (CS-OA179). Form CS-OA179 is hereby incorporated by reference, effective 11/22, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14812>). The request must include the following information:

1. Name of the parent or caregiver making the request;
2. Name of the other parent;
3. Child support case number or depository number;
4. Name of the child(ren) named in the order;
5. Specific reasons for the request to terminate; and,
6. Documentation that supports the request to terminate, if any.

(g) The Department evaluates requests to terminate an administrative support order or support obligation and issues a Notice of Intent to Terminate Support, Determine Arrears and Establish Payment on Arrears (CS-OA160) if the request and supporting documentation meet the criteria in paragraph (a). If the request does not meet the criteria, the Department mails the parent or caregiver the Response to Request to Terminate Support (CS-OA180). Form CS-OA180 is hereby incorporated by reference, effective xx/xx, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14813>).

~~(15) Termination of an Administrative Support Order.~~

~~(a) A parent or caregiver may request in writing that the Department terminate an Administrative Support Order for the reasons listed in paragraph (b). A written request must include the following information:~~

- ~~1. Names and addresses of the respondent and petitioner;~~
- ~~2. Child support case number, administrative support order number, or depository number;~~
- ~~3. Names of child or children;~~

4. Specific reasons for the request to terminate; and,
5. Any documentation that supports the request to terminate.

(b) The Department initiates action to terminate an administrative support order when:

1. A parent due support or caregiver who does not receive cash assistance requests termination of an Administrative Support Order.

2. The parent who owes support is permanently disabled, and is not receiving earned income. The person claiming permanent disability must provide a doctor's certificate stating the parent is permanently disabled and unable to return to work.

3. There has been a permanent change of physical custody of all the children on the order to the parent who owes support, or

4. The court terminates the parental rights of the parent who owes support.

(c) Arrears owed at the time the support is terminated will be established by the Department along with a repayment amount. The parent due support may waive arrears owed to them.

(d) The Department shall send a notice of intent to terminate the Administrative Support Order, to the non-requesting party, or any legal counsel or qualified representative representing the non-requesting party, and the requesting party. The notice of intent informs each parent:

1. The effective date of terminating the support order,
2. How to ask for an informal discussion,
3. How to ask for an administrative hearing; and,
4. That he or she has the right to file a civil action in circuit court to determine child support issues.

(e) When the Department begins a proceeding to terminate an Administrative Support Order, the Department shall notify the parents or caregiver by regular mail at the address of record for each party using Form CS-OA160, Notice of Intent to Terminate Final Administrative Support Order, hereby incorporated by reference, effective 10/21, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13854>). If the notice is not contested the Department shall render Form CS-OA178, Final Order Terminating Administrative Support Order, hereby incorporated by reference, effective 10/21,

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13855>).

(16) through (18) No change.

*Rulemaking Authority 61.13(1)(b)7., 61.14(1)(d), 409.2557(3)(p), ~~409.2563(7)(e)~~, 409.2563(16), 409.25633(9) FS. Law Implemented 409.2563, 409.25633 FS. History—New 9-19-17, Amended 1-17-18, 9-17-18, 8-28-19, 11-12-20, 11-21-21, \_\_\_\_\_.*

#### **12E-1.040 Intergovernmental Forms.**

(1) No change.

(2)(a) and (b) No change.

(c) The Department uses the Declaration in Support of Establishing Parentage (CS-IS26) form to obtain a paternity affidavit from a person seeking establishment of paternity or paternity and support in an intergovernmental case. The Department provides the CS-IS26 to the other government's child support program. Form CS-IS26, (effective 09/19/2017), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08663>), is hereby incorporated by reference in this rule. The CS-IS26 is mailed to the parent for completion and signature along with Review and Sign Forms Needed to Obtain a Child Support Order (CS-IS73) and Review and Sign Forms Needed to Review a Child Support Order (CS-IS74), which provides instructions for reviewing and completing CS-IS26. The parent has 30 days from the date form CS-IS26 is mailed to them to complete it and return it to the Department. Form CS-IS73, (effective 10/22 06/22), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-1481414357>), is hereby incorporated by reference in this rule. Form CS-IS74, (effective 10/22 06/22), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-1481514358>), is hereby incorporated by reference in this rule.

(3) No change.

*Rulemaking Authority 409.2557 FS. Law Implemented 88.3111(2), 88.3071(1)(a), 409.2557, 409.2561 FS. History—New 9-19-17, Amended 6-9-22, \_\_\_\_\_.*



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

AMENDING RULES 12E-1.0051, 12E-1.012, 12E-1.027, 12E-1.030, AND 12E-1.040

SUMMARY OF PROPOSED RULES

The proposed amendments to Rules 12E-1.0051, F.A.C. (Undistributable Collections), update the Department's procedures for processing undistributable collections, provide procedures for processing uncashed checks for less than ten dollars, incorporate, by reference, the Notice of Uncashed Check (CS-FM166) and Request for Disbursement Denied (CS-FM127), and remove the Request for Refund (CS-FM 125) that will no longer be used to reclaim a collection.

The proposed amendments to Rule 12E-1.012, F.A.C. (Consumer Reporting Agencies), incorporate, by reference, changes to replace "written agreement" with "payment agreement" in the Notice of Decision Concerning Report to Consumer Reporting Agencies (CS-EF62) and remove rule provisions for contesting the decision that are provided in form CS-EF62.

The proposed amendments to Rule 12E-1.027, F.A.C. (Written Agreements for Payment of Past-Due Support), add a "payment agreement" as an agreement by the Department and an obligor that sets the terms for payment of past-due support.

The proposed amendments to Rule 12E-1.030, F.A.C. (Administrative Establishment of Child Support Obligations), update the procedures for termination of an administrative support order or support obligation, incorporating, by reference, new and revised forms used to terminate

an administrative support order or support obligation.

The proposed amendments to Rule 12E-1.040, F.A.C. (Intergovernmental Forms), incorporate, by reference, updated forms used to assist the Department in providing services in an intergovernmental case. forms used to assist the Department in providing services to another government's child support program

#### FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES

The proposed amendments to Rules 12E-1.0051, 12E-1.012, 12E-1.027, and 12E-1.030, F.A.C., are necessary update the Department's procedures for processing undistributable collections, provide procedures for processing uncashed checks for less than ten dollars, add a "payment agreement" as an agreement entered into by the Department and an obligor that sets the terms for payment of past-due support, update the procedures for termination of an administrative support order or support obligation, and incorporate, by reference, new and revised forms.

The proposed amendments to Rule 12E-1.040, F.A.C., are necessary to incorporate, by reference, updated forms used to assist the Department in providing services to another government's child support program.

#### FEDERAL COMPARISON STATEMENT

The provisions contained in these rules do not conflict with comparable federal laws, policies, or standards.

## SUMMARY OF RULE DEVELOPMENT WORKSHOP

JUNE 10, 2022

A Notice of Proposed Rule Development was published in the *Florida Administrative Register* on May 25, 2022 (Vol. 48, No. 102) to advise the public of the proposed changes to Rules 12E-1.0051, 12E-1.012, 12E-1.027, and 12E-1.030, 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 Friday, June 10, 2022. No request has been received, and no workshop has been held. No written comments have been received by the Department.

## SUMMARY OF RULE DEVELOPMENT WORKSHOP

JULY 12, 2022

A Notice of Proposed Rule Development was published in the *Florida Administrative Register* on June 28, 2022 (Vol. 48, No. 125) to advise the public of the proposed changes to Rule 12E-1.040, 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 Tuesday, July 12, 2022. No request has been received, and no workshop has been held. No written comments have been received by the Department.

## SUMMARY OF PUBLIC MEETING

AUGUST 23, 2022

The Governor and Cabinet, sitting as head of the Department of Revenue, met on August 23, 2022, and approved the publication of the Notice of Proposed Rule for changes to Rules 12E-1.0051, 12E-1.012, 12E-1.027, 12E-1.030, and 12E-1.040, F.A.C., as well as approval to file and certify with the Secretary of State adoption pursuant to s. 120.54(3)(e)1., F.S., if the substance of

these rules remain unchanged upon reaching the date applicable to filing for final adoption pursuant to s. 120.54(3)(e)2., F.S. A notice of the public meeting was published in the *Florida Administrative Register* on August 12, 2022 (Vol. 48, No. 157, PP. 3222-3223).

#### SUMMARY OF RULE HEARING

A Notice of Proposed Rule was published in the *Florida Administrative Register* on August 24, 2022 (Vol. 48, No. 165, PP. 3416-3422), to advise the public of the proposed changes to Rules 12E-1.0051, 12E-1.012, 12E-1.027, 12E-1.030, and 12E-1.040, 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. No comments were received from the Joint Administrative Procedures Committee.

CERTIFICATION OF MATERIALS INCORPORATED  
BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code, that materials incorporated by reference in Rules 12E-1.0051, 12E-1.012, 12E-1.027, 12E-1.030, and 12E-1.040, F.A.C., have been:

☒ (1) Filed through the Department of State's e-rulemaking website at [www.flrules.org](http://www.flrules.org).

☐ (2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials as described in option (1) above, a true and complete copy of the incorporated materials has been provided to the Department of State as outlined in paragraph 1-1.013(5)(c), F.A.C. Copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

Rule 12E-1.0051, F.A.C.

<u>Form Number</u>	<u>Form Title</u>
--------------------	-------------------

CS-FM166	Notice of Uncashed Check
----------	--------------------------

CS-FM127	Request for Disbursement Denied
----------	---------------------------------

Rule 12E-1.012, F.A.C.

<u>Form Number</u>	<u>Form Title</u>
--------------------	-------------------

CS-EF62	Notice of Decision Concerning Report to Consumer Reporting Agencies
---------	---

Rule 12E-1.027, F.A.C.

<u>Form Number</u>	<u>Form Title</u>
--------------------	-------------------

CS-EF91	Payment Agreement for Past-Due Support
---------	--

Rule 12E-1.030, F.A.C.

<u>Form Number</u>	<u>Form Title</u>
--------------------	-------------------

CS-OA160	Notice of Intent to Terminate Support, Determine Arrears and Establish Payment on Arrears
----------	---

CS-OA178	Final Order Terminating Support, Determining Arrears and Establishing Payment on Arrears
----------	--

CS-OA179	Request to Terminate Support
----------	------------------------------

CS-OA180      Response to Request to Terminate Support

Rule 12E-1.040, F.A.C.

Form Number    Form Title

CS-IS73            Review and Sign Forms Needed to Obtain a Child Support Order

CS-IS74            Review and Sign Forms Needed to Review a Child Support Order

Under the provisions of Section 120.54(3)(e)6., F.S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

A handwritten signature in blue ink, reading "Andrea Moreland", is written over a horizontal line.

Signature, Person Authorized to Certify Rules

Deputy Executive Director

Title

**From:** [FL-Rules@dos.state.fl.us](mailto:FL-Rules@dos.state.fl.us)  
**To:** [Bobby York](#)  
**Cc:** [flrules@dos.state.fl.us](mailto:flrules@dos.state.fl.us)  
**Subject:** 12E-1.0051 Reference Material for Rule Adoption Approved  
**Date:** Tuesday, October 4, 2022 10:28:36 AM

---

Dear yorkb:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 12E-1.0051

Reference Number: Ref-14806; Reference Name: Notice of Uncashed Check (CS-FM166)

Reference Number: Ref-14807; Reference Name: Request for Disbursement Denied (CS-FM127)

Click [here](#) to log in.

Administrative Code and Register Staff  
Florida Department of State

**From:** [FL-Rules@dos.state.fl.us](mailto:FL-Rules@dos.state.fl.us)  
**To:** [Bobby York](#)  
**Cc:** [flrules@dos.state.fl.us](mailto:flrules@dos.state.fl.us)  
**Subject:** 12E-1.012 Reference Material for Rule Adoption Approved  
**Date:** Tuesday, October 4, 2022 10:28:35 AM

---

Dear yorkb:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 12E-1.012

Reference Number: Ref-14808; Reference Name: Notice of Decision Concerning Report to Consumer Reporting Agencies (CS-EF62)

Click [here](#) to log in.

Administrative Code and Register Staff  
Florida Department of State



**From:** [FL-Rules@dos.state.fl.us](mailto:FL-Rules@dos.state.fl.us)  
**To:** [Bobby York](#)  
**Cc:** [flrules@dos.state.fl.us](mailto:flrules@dos.state.fl.us)  
**Subject:** 12E-1.027 Reference Material for Rule Adoption Approved  
**Date:** Tuesday, October 4, 2022 10:28:06 AM

---

Dear yorkb:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 12E-1.027

Reference Number: Ref-14809; Reference Name: Payment Agreement for Past-Due Support (CS-EF91)

Click [here](#) to log in.

Administrative Code and Register Staff  
Florida Department of State

**From:** [FL-Rules@dos.state.fl.us](mailto:FL-Rules@dos.state.fl.us)  
**To:** [Bobby York](#)  
**Cc:** [flrules@dos.state.fl.us](mailto:flrules@dos.state.fl.us)  
**Subject:** 12E-1.030 Reference Material for Rule Adoption Approved  
**Date:** Tuesday, October 4, 2022 10:28:06 AM

---

Dear yorkb:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 12E-1.030

Reference Number: Ref-14810; Reference Name: Notice of Intent to Terminate Support, Determine Arrears and Establish Payment on Arrears (CS-OA160)

Reference Number: Ref-14811; Reference Name: Final Order Terminating Support, Determining Arrears and Establishing Payment on Arrears (CS-OA178)

Reference Number: Ref-14812; Reference Name: Request to Terminate Support (CS-OA179)

Reference Number: Ref-14813; Reference Name: Response to Request to Terminate Support (CS-OA180)

Click [here](#) to log in.

Administrative Code and Register Staff  
Florida Department of State

**From:** [FL-Rules@dos.state.fl.us](mailto:FL-Rules@dos.state.fl.us)  
**To:** [Bobby York](#)  
**Cc:** [flrules@dos.state.fl.us](mailto:flrules@dos.state.fl.us)  
**Subject:** 12E-1.040 Reference Material for Rule Adoption Approved  
**Date:** Tuesday, October 4, 2022 10:28:05 AM

---

Dear yorkb:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 12E-1.040

Reference Number: Ref-14814; Reference Name: Review and Sign Forms Needed to Obtain a Child Support Order (CS-IS73)

Reference Number: Ref-14815; Reference Name: Review and Sign Forms Needed to Review a Child Support Order (CS-IS74)

Click [here](#) to log in.

Administrative Code and Register Staff  
Florida Department of State