



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 27, 2023

Bobby York
Program Rules Coordinator
Department of Revenue
2450 Shumard Oaks Blvd.
Tallahassee, FL 32399

Dear Bobby York:

Your adoption package for Rules 12E-1.023 and .036 F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 8:09 a.m. on October 27, 2023. 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 November 16, 2023.

Sincerely,

Anya C. Owens
Administrative Code and Register Director

ACO/al

Leijon, Alexandra

From: Bobby York <Bobby.York@floridarevenue.com>
Sent: Friday, October 27, 2023 8:09 AM
To: RuleAdoptions
Cc: Janet Young; Bobby York
Subject: Department of Revenue Rules for Certification
Attachments: 12e_certpackage_signed_10272023.pdf; 4-Rule Text_10272023 10pt.docx

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

Good morning,

The following Department of Revenue Rules are presented for certification:

- 12E-1.023 Suspension of Driver License; Suspension of Motor Vehicle Registration
- 12E-1.036 Administrative Establishment of Paternity and Support Obligations

Please see the attached PDF of the certification packet and a Word document with the coded 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

NOTIFICATION TO RECIPIENTS: The subject line of this email may indicate that this email has been sent unsecure. This is a default setting which in no way indicates that this communication is unsafe, but rather that the email has been sent unencrypted in clear text form. Revenue does provide secure email exchange. Please contact us if you need to exchange confidential information electronically.

If you have received this email in error, please notify us immediately by return email. If you receive a Florida Department of Revenue communication that contains personal or confidential information, and you are not the intended recipient, you are prohibited from using the information in any way. All record of any such communication (electronic or otherwise) should be destroyed in its entirety.

Cautions on corresponding with Revenue by email: Under Florida law, emails received by a state agency are public records. Both the message and the email address it was sent from (excepting any information that is exempt from disclosure under state law) may be released in response to a public records request.



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Representative Tobin Rogers "Toby" Overdorf, Vice Chair
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Senator Darryl Ervin Rouson
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Representative Jervonte "Tae" Edmonds
Representative Alina Garcia
Representative Yvonne Hayes Hinson
Representative Joel Rudman, M.D.



KENNETH J. PLANTE
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THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

CERTIFICATION

Department: Department of Revenue
Agency: Division of Child Support Enforcement
Rule No(s): 12E-1.023, .036
File Control No: 191877

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: 10/27/2023

This certification expires after: 11/3/2023

Certifying Attorney: Marjorie Holladay

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

October 27, 2023

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-1.023
12E-1.036

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:

- (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-1.023
12E-1.036

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

2
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-1.023, F.A.C.
Rule 12E-1.036, 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-1.023 AND 12E-1.036

SUMMARY OF PROPOSED RULES

The proposed amendments to Rule 12E-1.023, F.A.C. (Suspension of Driver License; Suspension of Motor Vehicle Registration), adopt updates to the Notice of Intent to Suspend Driver License and Motor Vehicle Registration(s) (CS-EF55) to conform to s. 2, Chapter 2023-152, L.O.F., effective July 1, 2023, authorizing a deferred start date on a payment agreement for an obligor seeking to avoid driver license suspension for delinquent child support when the obligor is participating in good faith in job training.

The proposed amendments to Rule 12E-1.036, F.A.C. (Administrative Establishment of Paternity and Support Obligations), add the Paternity Statement by Non-Parent (CS-PO102) and the Paternity Statement by Alleged Father (CS-PO103) forms to the rule as valid documents on which to base the paternity action.

FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES

The proposed amendments to Rule 12E-1.023, F.A.C. (Suspension of Driver License; Suspension of Motor Vehicle Registration), and the related form are necessary to conform to s. 2, Chapter 2023-152, L.O.F., effective July 1, 2023. This law amends s. 61.13016(1)(c)1., F.S., to authorize a deferred start date on a payment agreement for an obligor seeking to avoid driver license suspension for delinquent child support when the obligor is participating in good faith in job training.

The proposed amendments to Rule 12E-1.036, F.A.C. (Administrative Establishment of Paternity and Support Obligations) and related forms are necessary to implement s. 5, Chapter 2023-152, L.O.F., effective July 1, 2023. This law amends s. 409.256(2)(a)5., F.S., to expand the use of the administrative paternity process when the caregiver is the child's alleged father.

FEDERAL COMPARISON STATEMENT

The provisions contained in these rules do 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) to advise the public of the proposed changes to Rules 12E-1.023, and 12E-1.036 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

SEPTEMBER 18, 2023

The Governor and Cabinet, sitting as head of the Department of Revenue, met on September 18, 2023, and approved the publication of the Notice of Proposed Rule for changes to Rules 12E-1.023 and 12E-1.036 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 September 12, 2023 (Vol. 49, No. 177.)

SUMMARY OF RULE HEARING

A Notice of Proposed Rule was published in the *Florida Administrative Register* on September 20, 2023 (Vol. 49, No. 183), to advise the public of the proposed changes to Rules 12E-1.023 and 12E-1.036, 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 to the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification in the Notice of Proposed Rule for Rules 12E-1.023 and 12E-1.036, F.A.C., was published in the *Florida Administrative Register* on October 17, 2023 (Vol. 49, No. 202), in response to the comments received. No substantive changes were made to the proposed rules after the Cabinet meeting on September 18, 2023.

STATE OF FLORIDA
DEPARTMENT OF REVENUE
CHAPTER 12E-1, FLORIDA ADMINISTRATIVE CODE
CHILD SUPPORT PROGRAM
AMENDING RULES 12E-1.023 AND 12E-1.036

12E-1.023 Suspension of Driver License; Suspension of Motor Vehicle Registration.

(1) through (3) No change.

(4) Notice to Obligor of Intent to Suspend Driver License; Notice to Suspend Motor Vehicle Registration.

(a) In accordance with Section 61.13016(1), F.S., the Department ~~sends~~ shall send to the obligor by regular mail a Notice of Intent to Suspend Driver License and Motor Vehicle Registration(s), Form CS-EF55, incorporated herein by reference, effective ~~11/23 07/22~~, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-1898914348>). ~~The~~ Notice ~~is shall be~~ mailed to the obligor's address of record with the Department of Highway Safety and Motor Vehicles.

(b) through (c) No change.

(5) through (8) No change.

Rulemaking Authority 409.2557(3)(i) FS. Law Implemented 61.13016, 322.058 FS. History—New 7-20-94, Formerly 10C-25.020, Amended 3-6-02, 9-19-17, 3-25-20, 11-12-20, 11-21-21, 6-9-22, _____.

12E-1.036 Administrative Establishment of Paternity and Support Obligations.

(1) through (2) No change.

(3) Case Selection Criteria.

(a) ~~Except as provided in paragraph (3)(b), as allowed by~~ Section 409.256(2)(a), F.S., authorizes the Department ~~is authorized~~ to start an administrative proceeding to establish paternity or paternity and support when ~~if~~ the statutory criteria ~~in the statute~~ are met.

(b) No Change.

(4) Statement of ~~Mother~~ Naming an Alleged Father or Fathers. For cases meeting the criteria in subsection (3), the Department requires ~~the mother~~ a statement naming ~~to name~~ an alleged father or fathers.

(a) The Department uses Form CS-PO34, Paternity Declaration (incorporated by reference in Rule 12E-1.039, F.A.C.), completed and signed by the mother, to record the name of the alleged father or fathers.

(b) The Department uses Form CS-PO102, Paternity Statement by Non-Parent, (incorporated by reference in Rule 12E-1.039, F.A.C.), completed and signed by the non-parent caregiver.

(c) The Department uses Form CS-PO103, Paternity Statement by Alleged Father (incorporated by reference in Rule 12E-1.039, F.A.C.), completed and signed by the alleged father, who may or may not be the caregiver of the child.

(5) through (6) No change.

(7) Notice of Proceeding to Establish Paternity and Order to Appear for Genetic Testing.

(a) Notice of Proceeding to Establish Paternity or Paternity and Administrative Support Requirements. The Department will serve the alleged father with Form CS-OP01, Notice of Administrative Proceeding to Establish Paternity, hereby incorporated by reference, effective 1/18, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08994>), hereafter referred to as the Notice of Proceeding. The Department will send the alleged father Form CS-OP02, Order to Appear for Genetic Testing, incorporated by reference, effective 01/22, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13857>), with the Notice of Proceeding and a copy of the Paternity Declaration, CS-PO34, CS-PO102, or an affidavit that names the alleged father. The Notice of Proceeding will be served on the respondent by certified mail, restricted delivery, return receipt requested, or by any other means of service that meet the requirements for service of process in a civil action. Once served, the alleged father must notify the Department in writing of any change of address. If the alleged father does not update the Department, the Department will serve by regular mail any other document or resulting order to the address of record and the alleged father is deemed to have received them.

(b) No change.

(8) through (21) No change.

Rulemaking Authority 409.2557(3)(p), 409.256(17), 409.25633(9) FS. Law Implemented 409.256, 409.2563, 409.25633 FS. History—New 4-5-16, Amended 9-19-17, 1-17-18, 9-17-18, 8-28-19, 11-12-20, 11-21-21, 6-9-22, _____.

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-1.023 and 12E-1.036 have been:

(1) Filed through the Department of State's e-rulemaking website at 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-1.023, F.A.C.

Form Number Form Title

CS-EF55 Notice of Intent to Suspend Driver License and Motor Vehicle Registration(s)

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.



Signature, Person Authorized to Certify Rules

General Counsel
Title

Bobby York

From: FL-Rules@dos.state.fl.us
Sent: Friday, October 13, 2023 2:46 PM
To: Bobby York
Cc: flrules@dos.state.fl.us
Subject: 12E-1.023 Reference Material for Rule Adoption Approved

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-1.023

Reference Number: Ref-15989; Reference Name: Notice of Intent to Suspend Driver License and Motor Vehicle Registration(s) (CS-EF55)

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State