

STATE OF FLORIDA
DEPARTMENT OF REVENUE
CHAPTER 12E-1, FLORIDA ADMINISTRATIVE CODE
CHILD SUPPORT PROGRAM
AMENDING RULES 12E-1.006, 12E-1.011, 12E-1.012, 12E-1.021, 12E-1.023, 12E-1.028,
AND 12E-1.032

12E-1.006 Request for Reconsideration.

(1) No change

(2) Requests for reconsideration shall be made on the Request for Reconsideration (CS-POF4). Form CS-POF4, (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), is incorporated herein by reference effective xx/xx. If the request concerns information reported by the department on a collection notice, the request for reconsideration form must be received by the department within 60 days of the mailing date of the collection notice. If the request concerns collection or distribution information not referenced on the most recent collection notice, the request for reconsideration form must be received by the department within 60 days of the date the form is provided to the recipient.

(3) and (4) No change.

(5) On request, the department will provide the recipient one free copy of case file information that directly relates to the issue being reviewed, ~~FLORIDA~~ system information that directly relates to the issue being reviewed, and a non-certified depository history if on line access and printing capability is available in the local child support enforcement office, with the exception of any information whose release is prohibited by state or federal law. Additional copies are subject to copying costs pursuant to section 119.07(1)(a), F.S.

(6) No change.

(7) A regional manager or contract equivalent must issue a final decision regarding the reconsideration within 25 days of the receipt of a complete request for reconsideration. The decision must be in writing and must include:

(a) through (d) No change.

(e) Notice of the right to request a hearing before a hearing officer regarding the reconsideration decision within 45~~30~~ days of the date of the written decision.

(8) and (9) No change.

(10) The department's reconsideration decision informs the parent or caregiver how to request an administrative hearing if they disagree with the decision. A request for an administrative hearing must be received within 45 days of the date of the reconsideration decision, which is the date it is mailed to the parent or caregiver. Hearings are conducted by the Appeal Hearings Section of the Department of Children and Families. A recipient who is dissatisfied with the reconsideration decision has the right to a fair hearing. The department's reconsideration decision shall notify the recipient of the right to request a hearing and how to request a hearing. A request for a hearing must be made within thirty (30) days of the date of the written reconsideration decision. Hearings will be held by the Office of Public Assistance Appeal Hearings of the Department of Health and Rehabilitative Services as long as they are willing to conduct such hearings for the department. Rules of the Department of Health and Rehabilitative Services for the conduct of hearings shall apply. In the event the Department of Health and Rehabilitative Services is no longer willing to conduct such hearings, requests for hearing will be referred to the Division of Administrative Hearings in accordance with Chapter 120, F.S. Rules of the Division of Administrative Hearings shall govern hearings conducted by the division.

Rulemaking Authority 409.2558(6), FS. Law Implemented 409.2558(6) FS. History—New 1-11-76, Formerly 10C-25.04, Amended 2-18-86, 6-17-92, 7-20-94, Formerly 10C-25.004, Amended 8-19-96,_____.

12E-1.011 Lottery Intercept.

(1) through (3) No change.

(4) Notification of Intercept.

(a) The Department will notify the obligor by regular U.S. mail, that the prize money is being intercepted and will be applied to the balance of past-due support. The Notice of Intent to Deduct Lottery Winnings (CS-EF160), incorporated herein by reference, effective 07/22+1/20, (http://www.flrules.org/Gateway/reference.asp?No=Ref-____+2331) will be sent to the address provided by the obligor to the Department of the Lottery. The obligor may request an administrative hearing as set forth in Chapter 120, F.S., to contest a mistake of fact about the amount of past-due support or the identity of the obligor.

(b) and (c) No change.

(5) No change.

Rulemaking Authority 409.2557(3) FS. Law Implemented 24.115(4) FS. History—New 6-17-92, Amended 7-20-94, Formerly 10C-25.008, Amended 1-23-03, 9-17-18, 11-12-20,_____.

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 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 ~~07/22~~~~11/20~~, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12332>). The notice must inform the obligor that:

1. The Department will report the amount of overdue support to the consumer reporting agencies,
2. The Department will report an update of the overdue support amount each month,
3. Reporting overdue support to consumer reporting agencies may affect the obligor's ability to obtain credit,
4. The obligor may avoid the initial report by paying the full amount of the overdue support within 20 days after the date the notice is mailed,
5. The obligor may request the Department to enter into a written agreement that establishes a payment plan to avoid reporting the overdue support; and,
6. By requesting an informal review, the obligor may contest the information proposed to be released if the overdue support amount is incorrect or the obligor is not the individual obligated to pay support.

(b) No change.

(5) and (6) No change.

Rulemaking Authority 61.1354(5), 409.2557 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,_____.

12E-1.021 Case Closure.

- (1) Cases are closed in accordance with federal regulation 45 CFR 303.11, (June 9, 2020),

incorporated herein by reference, effective 10-1-20 ~~under subsection 12E-1.002(1), F.A.C., of~~
~~this rule with an effective date of June 1994.~~

(2) No change.

*Rulemaking Authority 409.026 FS. Law Implemented 409.2561 FS. History—New 6-17-92,
Amended 7-20-94, Formerly 10C-25.018, Amended _____.*

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 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 07/22~~11/21~~,
(http://www.flrules.org/Gateway/reference.asp?No=Ref-____+3850), Notice shall be mailed to
the obligor's address of record with the Department of Highway Safety and Motor Vehicles.

(b) and (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, _____.*

12E-1.028 Garnishment by Levy.

(1) through (5) No change.

(6) Notice of Intent to Levy.

(a) The Department sends a Notice of Intent to Levy (CS-EF122) by certified mail, return receipt requested to the obligor providing notice of its intent to levy on the obligor's personal property. The Notice of Intent to Levy (CS-EF122) is incorporated herein by reference, effective ~~07/22/11/20~~, (http://www.flrules.org/Gateway/reference.asp?No=Ref-____12343).

(b) No change.

(7) through (14) No change.

Rulemaking Authority 409.2557(3)(i), 409.25656(11) FS. Law Implemented 409.25656 FS.

History—New 4-3-02, Amended 4-16-20, 11-12-20, 11-21-21, _____.

12E-1.032 Electronic Remittance of Support Payments.

(1) through (4) No change.

(5) Procedures for Payment.

(a) through (f) No change.

(g) All ACH credit transfers must be in the NACHA Cash Concentration and Disbursement Plus “CCD+” or NACHA Corporate Trade Exchange “CTX” format containing an Accredited Standards Committee (ASC) X12 820 Payment Order/Remittance Advice Transaction Set with associated addenda record(s) for child support, in the format specified by NACHA guidelines as referenced herein. The Department uses NACHA guidelines to govern the formats and specifications for the electronic remittance of support payments and the electronic submission of associated case data, which are contained in the User Guide For Electronic Child Support Payments, Using The Child Support Application Banking Convention, Version 9.0 6-1, revised February 24, 2017 ~~October 9, 2007~~, incorporated in this rule by reference. ~~Members of the public may obtain a~~ A copy of the NACHA guidelines may be obtained at ~~by writing to the Florida~~

~~Department of Revenue, Child Support Enforcement Program, Attn: Forms Coordinator, P.O. Box 8030, Tallahassee, Florida 32314-8030, or by accessing <https://fl.smartchildsupport.com/> <http://www.nacha.org/>.~~ The employer, employer's financial institution, or the employer's processor providing ACH services may contact the State Disbursement Unit at www.fl.smartchildsupport.com to determine the formats, standards, and technical requirements to implement this provision.

(h) through (i) No change.

(6) No change.

(7) Waiver From Electronic Filing Requirements. The Department is authorized to waive the requirement that an employer or employer's processor pay support and provide associated case data through electronic means, if the employer or employer's processor is issued a waiver by the Department from the requirement to electronically file tax returns under section 213.755 or 443.163, F.S. or the employer or employer's processor is unable to comply with the requirements of section 61.1824(6), F.S., and this rule.

(a) No change.

(b) The Department shall review the information submitted by the employer or employer's processor and respond in writing regarding the decision to grant or deny such waiver. The Department will use the following forms for this purpose.

1. Form CS-FM43, Electronic Remittance of Child Support Payments Waiver Approval Notice, revised February 2008, incorporated in this rule by reference. Form CS-FM43 states: that the waiver is approved for a specific period; the Department will remind the employer of the waiver expiration date no less than sixty (60) days before it expires; and, before the current waiver expires, the employer may apply for another waiver if he or she is unable to comply with

the requirements of section 61.1824(6), F.S., and this rule. The Department will use the Form
CS-FM48, Electronic Remittance of Child Support Payments Waiver Expiration Notice (Form
CS-FM48), revised February 2008, incorporated in this rule by reference, as the reminder notice.
Form CS-FM48, (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), is hereby
incorporated by reference, effective xx/xx.

2. No change.

(c) through (f) No change.

Rulemaking Authority 61.1824(6), 409.2557(3)(o) FS. Law Implemented 61.1824(6) FS.

History—New 5-31-07, Amended 9-18-08,_____.