

STATE OF FLORIDA  
DEPARTMENT OF REVENUE  
CHAPTER 12E-1, FLORIDA ADMINISTRATIVE CODE  
CHILD SUPPORT PROGRAM  
AMENDING RULES 12E-1.008, 12E-1.012, 12E-1.023, 12E-1.028,  
12E-1.030, 12E-1.036, AND 12E-1.039

**12E-1.008 Determination of Cooperation; Determination of Noncooperation;  
Determination of Good Cause.**

(1) and (2) No change.

(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 ~~11/20~~, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_12329](http://www.flrules.org/Gateway/reference.asp?No=Ref-____12329)) to the recipient at the last known address provided to the Department.

(a) through (c) No change.

(4) through (6) No change.

*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,*

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

(1) through (3) No change.

(4) Notice and Right to Hearing.

(a) 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 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 11/21 ~~09/19/2017~~, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_08618](http://www.flrules.org/Gateway/reference.asp?No=Ref-____08618)). The notice must inform the obligor whether the Department intends to report the obligor's overdue support amount to the consumer reporting agencies. The notice 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. No change.

(5) No change.

(6) Department Requests for Consumer Reports. The Department is authorized to request consumer reports from consumer reporting agencies pursuant to Sections 61.1354(3) and (4), F.S. Before the Department submits a request for a consumer report to a consumer reporting agency, the Department shall certify one-time to the consumer reporting agency that every subsequent request for a consumer report from that agency will meet the requirements set forth in Section 61.1354(3), F.S. When the Department requests a consumer report, the Department shall provide the Notice of Intent to Request Credit Report, Form CS-EF15, incorporated herein by reference, effective 09/19/2017,

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-08619>), by regular ~~certified~~ mail to the individual's last known address at least 15 days prior to transmitting the request to the consumer reporting agency.

*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,\_\_\_\_\_.*

**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 11/21 ~~11/20~~, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_12342](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____12342)), 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,\_\_\_\_\_.*

**12E-1.028 Garnishment by Levy.**

(1) through (12) No change.

(13) FAST Levy; Electronic Notification and Data Exchange.

(a) Financial institutions may elect to participate in the Federally Assisted State Transmitted (FAST) Levy service sponsored by the federal Office of Child Support Enforcement. With FAST Levy, the Department notifies participating financial institutions of pending levy actions by periodically transmitting an electronic data file to the federal Office of Child Support Enforcement, instead of serving the financial institution with notices by registered mail for each obligor. The financial institution receives the Department's data by accessing the secure website maintained by the federal office and processes the Department's data to determine the customer accounts levied upon and the amounts of the levies. The financial institution provides the data to the FAST Levy central site, which generates a response file to the Department. Using FAST Levy, participating financial institutions are able to process levy notices from multiple states in a standardized, automated manner.

(b) To learn more about Fast Levy, financial institutions may contact the federal Office of Child Support Enforcement at FASTLevy@acf.hhs.gov. The federal Agreement to Receive Electronic Lien/Levy Notices (FAST Levy Financial Institution Profile Form) is incorporated herein by reference, effective 10/21 (<http://www.flrules.org/Gateway/reference.asp?No=Ref->).

Financial institutions that elect to participate in FAST Levy must enter into a memorandum of understanding with the Department that is the same or substantially similar to Memorandum of Understanding, Child Support Garnishment Actions and Electronic Data Exchange (CS-EF314), incorporated herein by reference, effective 10/21

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

(14)(13) 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, \_\_\_\_.*

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

(1) through (13) No change.

(14) Modifying an Administrative Support Order.

(a) through (c) No change.

(d) The Department shall notify the parents or caregiver when it begins a proceeding to modify the support obligation of an Administrative Support Order.

1. The Department uses Form CS-OA120R, Proposed Order to Modify Administrative Support Order, hereby incorporated by reference, effective 11/20, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12346>), to modify the support obligation amount when a review indicates a modification is appropriate. If the party that did not request the review responds during the support order review, the Department sends the proposed order by regular mail to both parties to their addresses of record. If the non-requesting party does not participate in the support order review, the Department shall attempt to serve the proposed order on the non-requesting party by certified mail or personal service. If service is not accomplished by certified mail or personal service, the Department shall send the non-requesting party the proposed order by regular mail to the non-requesting party's address of record. If the proposed order is not contested by either party within 30 days of service by certified mail or personal service, or 35 days after the Notice is sent by regular mail, the Department prepares and renders Form CS-OA140R, Final Modified Administrative Support Order, hereby incorporated by reference, effective 10/21 ~~08/19~~, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_44088](http://www.flrules.org/Gateway/reference.asp?No=Ref-____44088)). Under Section 409.2563(13)(c), F.S., a party to an administrative proceeding has a

continuing duty to provide the Department with a current mailing address after being served with an initial notice under paragraph (5)(b) of this rule, and the party is presumed to receive a subsequent notice, proposed order or other document mailed to the party's address of record including a proposed order to modify support.

2. No change.

3. Except as provided by paragraph (6)(a), a blank Title IV-D Standard Parenting Time Plan is included with Form CS-OA120R and CS-OA140R when the parents do not provide a parenting time plan of their own or do not agree to a Title IV-D Standard Parenting Time Plan. If a parenting time plan is not incorporated into the Final Modified Administrative Order, the Department will provide each parent a blank Petition to Establish a Parenting Time Plan is provided, except as provided by paragraph (6)(a). The Petition to Establish a Parenting Time Plan is available at [www.floridarevenue.com/childsupport/parenting\\_time\\_plans](http://www.floridarevenue.com/childsupport/parenting_time_plans).

(15) Termination of an Administrative Support Order.

(a) through (d) No change.

(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 09/19/2017, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_08627](http://www.flrules.org/Gateway/reference.asp?No=Ref-____08627)). 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 08/19, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_11089](http://www.flrules.org/Gateway/reference.asp?No=Ref-____11089)).

(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,\_\_\_\_\_.*

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

(1) through (4) No change.

(5) Obtaining Cooperation from the Mother or Caregiver.

(a) If a case is eligible for establishment of an administrative paternity order, the Department must obtain cooperation from the mother or caregiver before serving notice on the respondent. To obtain cooperation, the Department mails Form CS-OP05, Requirement to Provide Sample for Notice of Genetic Testing Appointment, hereby incorporated by reference, effective xx/xx 11/20, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_12351](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____12351)), by regular mail to the mother or caregiver. The CS-OP05 informs the mother or caregiver where and when to appear to provide a sample for genetic testing, and it also informs the mother or caregiver to bring the child(ren) named on the form to be tested.

(b) and (c) No change.

(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 xx/xx 11/20, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_12352](http://www.flrules.org/Gateway/reference.asp?No=Ref-____12352)), with the Notice of Proceeding and a copy of the Paternity Declaration, CS-PO34, 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) Proceeding in Circuit Court.

1. and 2. No change.

3. The Department then sends the petitioning parent Form CS-PO31, Family Law Financial Affidavit (Short Form), hereby incorporated by reference, effective 11/21 11/20, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_12360](http://www.flrules.org/Gateway/reference.asp?No=Ref-____12360)). Form CS-PO31 instructs the petitioning parent to contact the Department by phone to request a Family Law Financial Affidavit (Long Form), Form CS-PO30, if the individual's gross income is \$50,000 or more per year. Form CS-PO30 is hereby incorporated by reference, effective 11/21 11/20, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_12361](http://www.flrules.org/Gateway/reference.asp?No=Ref-____12361)). The Department will send the CS-PO30 to the petitioning parent upon request.

4. through 6. No change.

(8) No change.

(9) Scheduling and Rescheduling of Genetic Testing Sample Collections.

(a) Scheduling of Genetic Testing Sample Collections. The Department will schedule the

initial genetic testing sample collection before sending the alleged father the Order to Appear for Genetic Testing, CS-OP02, and the mother or caregiver the Requirement to Provide Sample for Notice of Genetic Testing Appointment, CS-OP05. The CS-OP02 and CS-OP05, informs the parties when and where to appear for the genetic testing sample collection. The CS-OP05 will also direct the child's mother or caregiver to bring the child to the genetic test sample collection.

(b) Rescheduling of Genetic Testing. The Department will reschedule the appointment for a genetic testing sample collection:

1. When a person scheduled for the genetic testing sample collection asks the Department to reschedule the genetic testing sample collection before the ordered test date. The person does not have to provide the Department a reason for rescheduling the initial genetic testing sample collection. The Department will inform the person of the new date using Department form Requirement to Provide Sample for Notice of Genetic Testing Appointment, CS-OP05.

2. through 3. No change.

(c) through (d) No change.

(10) Refusal to Submit to Genetic Testing Sample Collection or Failure to Appear for Genetic Testing Sample Collection.

(a) Section 409.256(7), F.S., allows the Department to take one or more of the following actions if a person refuses to submit to the genetic testing sample collection or fails to appear on the ordered date, does not use the one-time opportunity to reschedule, or does not show good cause for missing the sample collection within 10 days after the scheduled sample collection.

(b)(a) If the alleged father does not appear without requesting rescheduling or providing good cause, the Department will schedule a second genetic sample collection and send the alleged father the Requirement to Provide Sample for Notice of Genetic Testing Appointment, CS-OP05,

which will list the new date, time, and location of the genetic testing sample collection. If the alleged father does not appear to the second sample collection, the Department is authorized to start a proceeding to suspend the alleged father's driver license and motor vehicle registration as allowed by Section 61.13016, F.S. The Department will tell the alleged father of the intent to suspend his driver license and vehicle registration by sending the Notice of Intent to Suspend Driver's License and Vehicle Registration(s) form, CS-EF55, incorporated by reference in Rule 12E-1.023, F.A.C. The Department sends this form by regular mail and it also informs the alleged father of his right to contest the action in circuit court. If the alleged father does not request a new genetic testing sample collection or contest the driver license suspension within 20 days after the mailing date of the CS-EF55, the Department will send an electronic request to the Department of Highway Safety and Motor Vehicles to suspend the driver license and vehicle registration of the alleged father. If the alleged father later complies with the Department and requests another test, and appears at the rescheduled genetic testing appointment, the Department will electronically request reinstatement of the driver license/vehicle registration from the Department of Highway Safety and Motor Vehicles. The Department will provide the alleged father the Driver License/Vehicle Registration Reinstatement Notice, CS-EF57, incorporated by reference in Rule 12E-1.023, F.A.C., which informs the alleged father to go to a local Driver License Examining Office to get the license reinstated. If the alleged father does not contest the suspension of the driver license/vehicle registration or request a new appointment, the Department will end the administrative proceeding and proceed in circuit court. The Department will not authorize reinstatement of the license until the alleged father submits to genetic testing.

(b) through (c) Renumbered (c) through (d) No change.

(11) through (14) No change.

(15) Final Order Establishing Paternity or Paternity and Child Support.

(a) The Department will render a Final Order of Paternity

([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_41094](http://www.flrules.org/Gateway/reference.asp?No=Ref-____41094)), CS-OP50, effective 10/21 08/19, or a Final Administrative Paternity and Support Order

([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_41095](http://www.flrules.org/Gateway/reference.asp?No=Ref-____41095)), CS-OA40, effective 10/21 08/19, both forms incorporated by reference, if the alleged father does not ask for a

hearing timely. The Department may use a Final Administrative Paternity and Support Order

([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_41096](http://www.flrules.org/Gateway/reference.asp?No=Ref-____41096)), CS-OX40, effective 10/21 08/19, and incorporated by reference, in cases where there is more than one child on the

order and paternity does not need to be established for all of the children. In addition to the Final

Administrative Paternity and Support Order, the Department enters an Income Deduction Order

as part of the Final Administrative Paternity and Support Order. The respondent is responsible

for making the ordered payments to the State Disbursement Unit until the income deduction begins.

(b) If a parenting time plan is not incorporated into the final order, the Department will provide each parent forms CS-OP50, CS-OA40 and CS-OX40 include a blank Petition to

Establish a Parenting Time Plan, except as provided by paragraph (6)(a). The Petition to

Establish a Parenting Time Plan is available at

[www.floridarevenue.com/childsupport/parenting\\_time\\_plans](http://www.floridarevenue.com/childsupport/parenting_time_plans).

(c) through (e) No change.

(16) 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, \_\_\_\_.

**12E-1.039 Request for Services.**

(1) through (3) No change.

(4) Application.

(a) To apply for services, an individual who does not receive temporary cash assistance or food assistance must submit a signed and complete electronic or paper application. The Department will obtain information concerning parents and children including: name, address, date of birth, Social Security Number, employment, health insurance, military service, and other relevant information necessary to provide child support services.

1. No change.

2. A hardcopy application may be obtained by calling 1(850) 488-KIDS (5437) or contacting a child support local office. Local child support office information is provided on the Department's ~~Internet~~ website [www.floridarevenue.com](http://www.floridarevenue.com).

a. Upon request, the Department will provide an individual who requests services with Forms CS-ES51 and CS-ES50. Form CS-ES51, Application for Child Support Services, is hereby incorporated by reference effective 12/21 09/19/2017, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_08650](http://www.flrules.org/Gateway/reference.asp?No=Ref-____08650)). Form CS-ES50, Application Instructions, is hereby incorporated by reference effective 12/21 09/19/2017, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_08651](http://www.flrules.org/Gateway/reference.asp?No=Ref-____08651)). The applicant must complete and submit the CS-ES51 form provided.

b. When an applicant requests services for more than one child, the Department will provide the applicant a ~~an Additional~~ Child Information, Form CS-ES51ACI, for each additional child.

Form CS-ES51ACI, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_08652](http://www.flrules.org/Gateway/reference.asp?No=Ref-____08652)), is incorporated herein by reference, effective 12/21 ~~09/19/2017~~. The applicant must complete and submit the CS-ES51ACI form(s) provided.

c. When there is more than one alleged father, the Department will provide the applicant a separate Other Parent Information ~~Additional Alleged Father~~, Form CS-ES52, for each alleged father. Form CS-ES52, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_08653](http://www.flrules.org/Gateway/reference.asp?No=Ref-____08653)), is incorporated herein by reference, effective 12/21 ~~09/19/2017~~. The applicant must complete and submit the CS-ES52 form(s) provided.

d. No change.

(5) Supporting documents; additional requirements.

(a) An individual who applies for services under subsection (4) or who receives public assistance must:

1. and 2. No change.

3. Provide a paternity declaration for each child who does not have a legal father.

a. The Department uses the Paternity Declaration, Form CS-PO34, for the mother and provides the form to each parent with the Application for Child Support Services. Form CS-PO34, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_12349](http://www.flrules.org/Gateway/reference.asp?No=Ref-____12349)), is incorporated herein by reference, effective 12/21 ~~11/20~~.

b. and c. No change.

4. Provide a separate completed Father/Alleged Father Information ~~Additional Alleged Fathers~~ form (CS-ES119) for each alleged father named on the paternity declaration. Form CS-ES119, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_08661](http://www.flrules.org/Gateway/reference.asp?No=Ref-____08661)), is hereby incorporated by reference, effective 12/21 ~~09/19/2017~~.

5. through 8. No change.

(6) Application and Referral Review.

(a) The Department will review applications submitted by an individual who does not receive temporary cash assistance or food assistance to determine whether the application is complete.

1. No change.

2. If the application is complete, the Department will send Form CS-ES55, Response to Request for Services and/or Information Request ~~Acknowledge Request for Services~~, to the applicant informing them the application was received. When additional information is required for the Department to proceed, the CS-ES55, will instruct the applicant to provide the required information within 30 days after the date of the notice. Form CS-ES55, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_08658](http://www.flrules.org/Gateway/reference.asp?No=Ref-____08658)), is hereby incorporated by reference, effective 12/21 ~~09/19/2017~~.

3. No change.

(b) The Department will review public assistance referrals received from the Florida Department of Children and Families to determine whether additional information or documents are required to provide services.

1. The Department will send the Information Needed to Provide Services, Form CS-ES56, to the public assistance recipient informing them a request to open a child support case was received and additional information is required for the Department to proceed. Form CS-ES56, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_08659](http://www.flrules.org/Gateway/reference.asp?No=Ref-____08659)), is hereby incorporated by reference, effective 12/21 ~~09/19/2017~~.

2. The Department will provide the public assistance recipient Form CS-ES51ACI, Child Information ~~CS-ES56ACI, Additional Children~~, if there is more than one child in the household.

The public assistance recipient must complete and submit the CS-ES51ACI ~~CS-ES56ACI~~ form(s) provided. ~~Form CS-ES56ACI, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08660>), is hereby incorporated by reference, effective 09/19/2017.~~

3. No change.

*Rulemaking Authority 409.2557(3)(h), (i) FS. Law Implemented 409.2567 FS. History—New 9-19-17, Amended 8-28-19, 11-12-20,\_\_\_\_\_.*