

Florida Department of Revenue *Office of the Executive Director*

Jim Zingale Executive Director

5050 West Tennessee Street, Tallahassee, FL 32399

floridarevenue.com

September 22, 2023

Kenneth J. Plante, Coordinator Joint Administrative Procedures Committee Room 680, Pepper Building 111 West Madison Street Tallahassee, Florida 32399-1400

Attn: Jamie Jackson, Senior Attorney

RE: Department of Revenue Rules 12E-1.023 and 12E-1.036

Dear Ms. Jackson:

Please find enclosed information regarding the Department of Revenue's proposed rule amendments for the above-referenced rules. Enclosed is a copy of the Notice of Proposed Rule that was published in the September 20, 2023, edition of the Florida Administrative Register, the Rule Summary, the Facts and Circumstances Justifying Proposed Rule, the Federal Comparison Statement, and the Summary of Rule Development Workshop. All materials (forms) incorporated by reference are also provided.

For the materials (forms) incorporated by reference, the effective date of some forms is not included in the draft copy. The effective dates will be included on the forms when they are certified with the Department of State.

If you need additional information, please do not hesitate to contact me.

Sincerely,

Janet Young

Agency Rules Coordinator

Bobby York Ifor

Attachments



License; Suspension of Motor Vehicle Registration), and the related form is 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 purpose of the proposed amendments to Rule 12E-1.036, F.A.C. (Administrative Establishment of Paternity and Support Obligations) and related forms is 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.

SUMMARY: 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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 409.2557(3)(i), (p), 409.256(17), 409.25633(9) FS.

LAW IMPLEMENTED: 61.13016, 322.058, 409.256, 409.2563, 409.25633 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Bobby York at (850) 617-8037. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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.

<u>xxxxx</u> 14348). 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., <u>authorizes</u> the Department is authorized to start an administrative proceeding to establish paternity or paternity and support when if: the <u>statutory</u> 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, <u>CS-PO102</u>, 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.

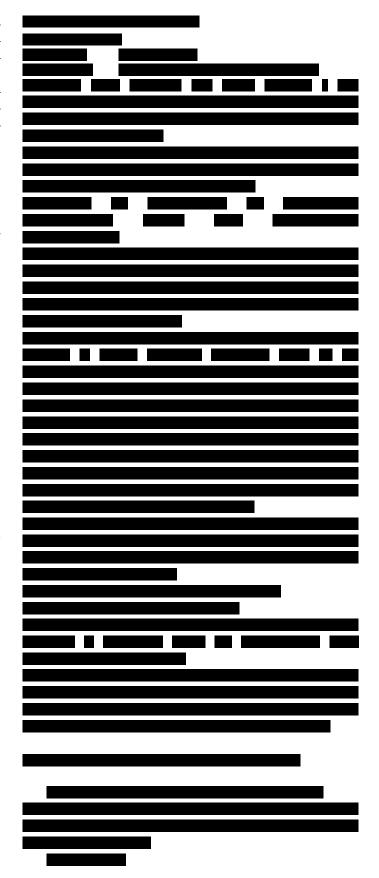
Rulemaking Authority 409.2557(3)(p), 409.256(17), 409.25633(9) FS. Law Implemented 409.256, 409.2563, 409.25633 FS. History—New 45-16, Amended 9-19-17, 1-17-18, 9-17-18, 8-28-19, 11-12-20, 11-21-21, 6-9-22,_______.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bobby York

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 28, 2023



NOTICE OF PROPOSED RULE

DEPARTMENT OF REVENUE

CHILD SUPPORT PROGRAM

RULE NO: RULE TITLE:

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

12E-1.036 Administrative Establishment of Paternity and Support Obligations

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12E-1.023, F.A.C. (Suspension of Driver License; Suspension of Motor Vehicle Registration), and the related form is 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 purpose of the proposed amendments to Rule 12E-1.036, F.A.C. (Administrative Establishment of Paternity and Support Obligations) and related forms is 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.

SUMMARY: 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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that these rules will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rules. A Statement of Estimated Regulatory Cost has not been prepared by the agency. The Agency has determined that the proposed rules are not expected to require legislative ratification based on the

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

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

RULEMAKING AUTHORITY: 409.2557(3)(i), (p), 409.256(17), 409.25633(9) FS.

LAW IMPLEMENTED: 61.13016, 322.058, 409.256, 409.2563, 409.25633 FS.

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before the Child Support Program is asked to advise the Department at least 48 hours before such proceeding by contacting Bobby York at (850) 617-8037. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800) 955-8770 (Voice) and (800) 955-8771 (TTY).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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 xx/xx 07/22, (http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 14348).

 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, <u>CS-PO102</u>, 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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bobby York

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 28, 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

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.

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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

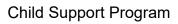
JULY 12, 2023

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.)





Notice of Intent to Suspend Driver License and Motor Vehicle Registration(s) for << Option 1>>

<<NCPName>>
<<NCPAddress>>

IMPORTANT

You must act within 20 days or your driver license will be suspended.

<<Date>>

Child Support Case Number: <<CaseNumber>>
<<Option 2>>

The Child Support Program may ask the Department of Highway Safety and Motor Vehicles to suspend your driver license and the registration of all motor vehicles you own because << Option 3>>

WHAT YOU NEED TO DO

You have 20 days from the date of this notice to take action or we will ask the Department of Highway Safety and Motor Vehicles to suspend your license and any registration of motor vehicles you own.

<<Option 4>>

We want to work with you to avoid license suspension. See additional information on these options on the next page.

<<Option 5>>

If you have questions or need help:

Access your case online: childsupport.floridarevenue.com

Email us: FloridaRevenue.com/AskChildSupport

Chat with us or learn more at: floridarevenue.com/childsupport

Call: <<CountyPhoneNumber>

Para asistencia en español, llame al 850-488-5437 y marque 7

Employment and other resources: <<FDOR Page>>

<<Option 6>>

<<Option 7>>

To contest you must:

- File a petition with the circuit court.
- Send a copy of the petition to:

Child Support Program
Central Mail Processing Facility
<<GenTaxworldCentralAddress1>>
<<GenTaxworldCentralAddress2>>

This address is not a Child Support office location.

- If you have questions about how to file a petition, contact the Clerk of Court.
- If you file a petition, the Program will stop this action until the court rules on your petition.



Option 1 [Select A or B]

- A. Nonpayment of Support
- **B.** Failure to Submit to Genetic Testing

Option 2

- A. Depository Number: << DepNum>>
- B. Leave blank

Option 3 [Select A or B]

A. Compliance [Nonpayment of support]

you are \$<<delinquency>> delinquent in your support payments as of the date of this notice. Your support order requires you to pay \$<<total periodic payment due>> <<payment frequency>> for child and/or spousal support. To see the total obligation and past due associated with this case visit the link below to view your case online.

B. Paternity establishment [Failure to submit to DNA testing as ordered]

you have not complied with the Order to Appear for Genetic Testing that you were served with on <<insert date of service of process of the order>>.

Option 4 [Select A or B]

A. Compliance [Nonpayment of support]

- 1. Pay the amount above and stay current with your payments.
- 2. If you cannot pay the amount above, contact us to discuss a payment plan or provide documentation showing you are unable to pay.
 - a. We will consider your current situation and ability to pay.
 - b. If you are currently unemployed and provide proof that you are actively seeking employment or participating in job training, the first payment due under a payment plan may be delayed up to 60 days.
- 3. Contest this action by filing a petition in circuit court.

B. Paternity establishment [Failure to submit to DNA testing as ordered]

- Contact the Child Support Program to schedule a genetic test appointment.
- 2. Contest this action by filing a petition in circuit court.

Option 5 [Select A or B]

A. Compliance [Nonpayment of support]

Legal Authority: Sections 61.13016 and 322.058, Florida Statutes.

B. Paternity establishment [Failure to submit to DNA testing as ordered]

Legal Authority: Sections 61.13016, 322.058, and 409.256(7), Florida Statutes.

Option 6 [Select A or B]

A. Compliance [Nonpayment of support]

Enter into a payment plan

Contact the Child Support Program to discuss a payment plan. If you enter into a payment plan and continue to pay as agreed, we will not suspend your driver license or registration(s).

 To request a payment plan, use your eServices account at childsupport.floridarevenue.com or by email using the online contact form at FloridaRevenue.com/AskChildSupport.

Provide documents showing you are unable to pay

If you receive any of the following benefits, you need to provide documents to us:

- Reemployment assistance or unemployment compensation;
- Supplemental Security Income (SSI) benefits;
- Social Security Disability Income (SSDI) benefits; or
- Temporary cash assistance.

Documents are also needed if you are:

- Disabled and unable to support yourself; or
- Making payments under a confirmed bankruptcy plan under Chapter 11, 12, or 13 of the U.S. Bankruptcy Code.

Job resources and order modification

Visit <<FDOR Page>> for information on how to change the amount of your child support order and information about CareerSource Florida and other local programs who can connect you with employers who are hiring and programs that can provide you training to improve your skills.

B. Paternity establishment [Failure to submit to DNA testing as ordered]

If B leave blank.

Option 7 [Select A or B]

A. Compliance [Nonpayment of support]

Contest this action

You can contest this action if:

- You are not the person who owes support.
- You are not late in your payments.
- You have no ability to make payments.

Please contact us if any of these apply to you.

B. Paternity establishment [Failure to submit to DNA testing as ordered]

Contest this action

You can contest this action if:

- You have already provided a genetic sample.
- You are not the person who is ordered to submit to genetic testing.

Please contact us if any of these apply to you.

