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DEPARTMENT OF REVENUE

Division of Child Support Enforcement

- RULE NOS.: RULE TITLES:
- 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 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.

(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, 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,_____.

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

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