

STATE OF FLORIDA  
DEPARTMENT OF REVENUE  
CHAPTER 12E-1, FLORIDA ADMINISTRATIVE CODE  
CHILD SUPPORT PROGRAM  
REPEALING RULE 12E-1.015  
AMENDING RULE 12E-1.037

The following rule is hereby repealed.

**12E-1.015 Reciprocity Requests.**

*Rulemaking Authority 409.2557(3) FS. Law Implemented 88.1011(19)(b) FS. History—New 6-17-92, Amended 7-20-94, Formerly 10C-25.012, Amended 5-9-13, Repealed\_\_\_\_\_.*

**12E-1.037 Notification to Withhold Support from Reemployment Assistance.**

(1) No change.

(2) Data exchange with the Florida Department of Commerce ~~Economic Opportunity~~.

(a) The Department receives data files periodically from the Florida Department of Commerce ~~Economic Opportunity~~ and compares the reemployment assistance (formerly known as unemployment compensation) applicant information on the files to its own records of parents who owe support obligations and parents against whom the Department is seeking to establish a support obligation.

(b) If a name and social security number on a data file matches with a parent who has an open case in the Department's records, the Department adds the reemployment assistance information from the file to the parent's child support case record.

(c) No change.

(3) Notifying the Florida Department of Commerce ~~Economic Opportunity~~ of the withholding percentage.

(a) through (b) No change.

(4) Maximum withholding percentage.

(a) The Department limits the reemployment assistance withholding percentage ~~reported~~ ~~it reports~~ to the Florida Department of Commerce Economic Opportunity to no more than 40 percent per support order or a total of 50 percent of a parent's reemployment assistance.

~~(b)1-~~ When a parent has more than one support order requiring withholding from reemployment assistance, the Department adds the withholding percentages from each of the orders and reports the combined withholding percentage to the Florida Department of Commerce Economic Opportunity. If the combined withholding percentage exceeds 50 percent, the Department reports 50 percent as the withholding percentage. For example, if the parent has two support orders that each require withholding from reemployment assistance at a rate of 40 percent (totaling 80 percent), the Department reports 50 percent to the Florida Department of Commerce as the parent's withholding percentage. ~~For example, if a parent has two orders that each require withholding 20 percent from reemployment assistance, the total combined withholding percentage the Department reports for the parent is 40 percent.~~

~~2-~~ ~~When a parent has more than one support order requiring withholding from reemployment assistance and the combined withholding percentage exceeds 50 percent, the Department reports 50 percent as the withholding percentage. For example, if the parent has two support orders that each require withholding from reemployment assistance at a rate of 40 percent (totaling 80 percent), the Department reports 50 percent to the Department of Economic Opportunity as the parent's withholding percentage.~~

(5) Refunding collections that exceed the support obligation.

(a) No change.

(b) In addition to refunding excess withholding amounts, the Department will ~~shall~~ calculate an adjusted withholding percentage that does not exceed the parent's support obligation and notify the Florida Department of Commerce Economic Opportunity of the adjusted withholding percentage.

(c) If a subsequent reemployment assistance collection is withheld that exceeds the total support obligation as described in paragraph (5)(a), before the Florida Department of Commerce Economic Opportunity implements the adjusted withholding percentage, the Department will ~~shall~~ promptly refund the excess amount to the parent.

(6) through (7) No change.

~~(8) Payment receipts. The Department shall provide either parent with a record of reemployment assistance withholding collections upon request.~~

~~(8)(9) Bankruptcy. If the parent who owes support files bankruptcy, the withholding of current support from reemployment assistance may continue and is unaffected by the bankruptcy filing. When a Chapter 11, 12, or 13 bankruptcy case is filed for a parent who owes a support obligation and the Department receives the first reemployment assistance withholding collection before a bankruptcy plan is confirmed, withholding support from the parent's reemployment assistance continues until the bankruptcy plan is confirmed.~~

*Rulemaking Authority 409.2557 FS. Law Implemented 409.2557, 443.051 FS. History—New 9-19-17, Amended*

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