

STATE OF FLORIDA
DEPARTMENT OF REVENUE
CHAPTER 12E-1, FLORIDA ADMINISTRATIVE CODE
CHILD SUPPORT PROGRAM
REPEALING RULE 12E-1.018
AMENDING RULES 12E-1.028 AND 12E-1.029

The following rule is hereby repealed.

12E-1.018 Liens.

~~(1) Lien on Vehicles. If there is an arrearage of \$600 or more and a noncustodial parent owns or is purchasing a vehicle, a lien shall be sought by the Director of the IV-D agency. When a lien already exists, the first lienholder must be notified and requested to forward the title to the Department of Highway Safety and Motor Vehicles (DHSMV) for registration of the department as the subsequent lienholder. Pursuant to Section 319.24, F.S., the program shall request DHSMV to pursue any action on the title as prescribed in Section 319.24, F.S. If there is no prior lien, and the noncustodial parent does not surrender the title, the district child support enforcement office shall compel the noncustodial parent to surrender the title. If the noncustodial parent divests himself or herself of the property and does so after the receipt of the notices, penalties and remedies shall be pursued as provided in Chapter 726, F.S.~~

~~(2) Release of lien on vehicle is as follows:~~

~~(a) If the Department is the only lienholder and the arrears have been collected, the Child Support Program shall notify the noncustodial parent and DHSMV of the lien satisfaction.~~

~~(b) If the Department is listed as the first lienholder and the lien is satisfied with no other lienholder listed, the title shall be mailed to the vehicle owner and the IV-D agency shall notify DHSMV to issue a new title without the Department as a lienholder.~~

~~(c) If the Department is the second lienholder and only the debt to the first lien becomes satisfied, the title shall be sent to DHSMV by the first lienholder. DHSMV will then reissue the title showing the department as the first lienholder.~~

~~(3) Execution on liens. The district Child Support Program administrator, after consultation with the legal~~

~~service provider, will determine whether to execute on a personal or real property lien. The following factors will be considered:~~

- ~~(a) Amount of arrearage;~~
- ~~(b) Value of property;~~
- ~~(c) Costs of execution;~~
- ~~(d) Other encumbrances; and;~~
- ~~(e) If the property is jointly owned.~~

~~(4) The IV-D agency shall never attempt to take title to or actually take title to real property without contacting, the Division of State Lands, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399, the state agency responsible for taking title to all state real property. That agency will perform the necessary inquiries to assure that the transfer of title to the state does not impose additional financial burdens upon the state as the new owner of the real property.~~

Rulemaking Authority 409.2557(3)(i) FS. Law Implemented 319.24, 409.2575 FS. History—New 6-17-92, Amended 7-20-94, Formerly 10C-25.015, Repealed.

12E-1.028 Garnishment by Levy.

- (1) and (2) No change.
- (3) Case Selection.

(a) The Department initiates a levy action when:

- 1. The amount of past-due or overdue support is greater than \$600 and ~~or~~ greater than four times the total monthly support obligation, which includes current support and any payment on arrears;
- 2. through 4. No change.

(b) No change.

(4) 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, 6-9-22, 9-14-23, _____.

12E-1.029 Financial Institution Data Matches.

- (1) Procedures for Entering into Agreements With Financial Institutions.

(a) The Department sends an Agreement for Financial Institution Data Matching (Form CS-EF134) ([http://www.flrules.org/Gateway/reference.asp?No=Ref-~~xxxxx~~ 15854](http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 15854)), incorporated herein by reference, effective ~~xx/xx~~ 09/23, for the operation of the data match system described in Section 409.25657(2), F.S., to each financial institution doing business in Florida meeting the definition of a financial institution in Section 409.25657(1)(a), F.S., that has not elected to participate in the Federal Office of Child Support Enforcement ~~Services~~ national data match process specified in paragraph (c).

(b) The financial institution's electronic files containing data match records must be prepared according to the specifications prescribed by the Federal Office of Child Support Enforcement ~~Services~~ Multistate Financial Institution Data Match Specifications Handbook, Version 3.0, December 30, 2020, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15856>), incorporated herein by reference, effective 09/23. The Department will maintain the confidentiality of information exchanged as required by section 409.2579 ~~409.2479(1)~~, F.S., and 45 C.F.R. § 303.21 (10-1-21) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15855>), incorporated herein by reference, effective 09/23. Members of the public may obtain copies of the Multistate Financial Institution Data Match Specifications Handbook and 45 C.F.R. § 303.21, without cost, by writing to the Florida Department of Revenue, Mail Stop 2-4464, 5050 West Tennessee Street, Tallahassee, Florida 32399.

(c) No change.

(2) and (3) No change.

Rulemaking Authority 409.2557(3)(i), 409.25657(6) FS. Law Implemented 409.25657 FS. History—New 1-23-03, Amended 4-5-16, 3-25-20, 9-14-23,_____.