

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE FLORIDA
FAMILY LAW RULES

CASE NO. SC08-2358

FLORIDA DEPARTMENT OF REVENUE'S COMMENTS IN
RESPONSE TO THE OUT-OF-CYCLE REPORT OF THE
FAMILY LAW RULES COMMITTEE

The Florida Department of Revenue respectfully submits these comments in response to the Out-of-Cycle Report of the Florida Bar's Family Law Rules Committee that were noticed for comments in the February 1, 2009, Florida Bar News.

Form 12.995(a), Income Deduction Order. The proposed form does not follow the uniform format prescribed by the Secretary of the U.S.

Department of Health and Human Services and required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) for all entities ordering income withholding for child support for both Title IV-D and non-Title IV-D cases. (*see* Appendix A) The federal form combines the income deduction order and the notice to payor in one form. (*see* Appendix B)

The Department believes that the instructions for this form should specifically state in the section **When should this form be used?** that the

form is for use in non-Title IV-D cases. The Department suggests that the first sentence in this section should read “This form should be used in non-Title IV-D cases when the court has ordered that support be paid by the obligor’s payor through an income deduction order.” Otherwise only the title of the form advises the user of its restriction to non-Title IV-D cases. In addition, because private litigants may not understand what Title IV-D means, the instructions should explain that a non-Title IV-D case is one that is not being handled by the Department of Revenue.

Contrary to the information in Section 3, the Department does not provide access for internet payments to the State Disbursement Unit (SDU). Electronic payment information for payors is provided by the SDU website at www.floridasdu.com (see our comment to Section 15 of the Notice to Payor).

Form 12.995(b), Notice to Payor. As noted in our comments on Form 12.995(a), Income Deduction Order, the Notice to Payor has been incorporated into the standardized form mandated by federal law.

The obligor’s social security number is not provided on the notice to payor as required by Section 61.1301(2)(e)1, Fla. Stat.

In Section 15, the monetary amount needs to be corrected. Section 213.755(1), Fla. Stat., was amended in the 2008 legislative session and the monetary amount was reduced from \$30,000 to \$20,000. In addition, we suggest adding the following language at the end of the existing sentence: “Payors who are required to remit support payments electronically can find more information about how to do so by accessing the State Disbursement Unit (SDU) website at www.floridasdu.com and clicking on ‘Payments’. Payment options include Expert Pay, Automated Clearing House (ACH) credit through your financial institution, www.myfloridacounty.com, or Western Union. Payors may contact the SDU Customer Service Employer telephone line at 1-888-883-0743.”

Section 16 of the Notice to Payor refers the payor to a Department webpage which is not a valid address. Furthermore, since the Department only handles Title IV-D cases, the Department’s website does not contain additional information regarding notice implementation in non-Title IV-D cases. We suggest the payors be directed to the website addresses and telephone number referenced in our comments on Section 15.

Respectfully submitted this 2nd day of March, 2009.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing comments was furnished by regular U.S. Mail to Robyn L. Vines, 200 E. Broward Blvd, 15th Floor, Fort Lauderdale, FL 33301-1963 this 2nd day of March, 2009.

Joan K. Koch