

STATE OF FLORIDA

DEPARTMENT OF REVENUE

CHAPTER 12-2, FLORIDA ADMINISTRATIVE CODE

ORGANIZATION AND GENERAL INFORMATION

REPEALING RULE(S) 12-2.022, 12-2.023, 12-2.024, 12-2.025, 12-2.026

12-2.022 Public Inspection and Copying.

(1) The following shall be made available from the agency for public inspection and copying, at no more than cost:

(a) All final orders.

(b) A current subject-matter index identifying final orders which are indexed.

(c) A list of all final orders which are not indexed, which must be listed pursuant to rule 1B-32.001, F.A.C.

(2)(a) The Agency Clerk shall assist the public in obtaining information pertaining to final orders, except for final orders for child support enforcement. The Office of the Agency Clerk is located at the Department of Revenue, 2450 Shumard Oak Boulevard, Room 1-2400, Tallahassee, Florida 32399-0100, Phone Number (850)617-8347.

(b) The Office of the Deputy Agency Clerks for the Child Support Enforcement Program shall assist the public in obtaining information regarding final orders for child support enforcement.

1. For purposes of final orders for child support enforcement, except for administrative paternity and support orders, contact the Deputy Agency Clerk at the Department of Revenue, 2450 Shumard Oak Boulevard, Room 2-4200, Tallahassee, FL 32399-3150, Phone Number (850)717-7000.

2. For purposes of administrative paternity and support orders, contact the Deputy Agency Clerk at the Department of Revenue, 400 W. Robinson Street, Suite S-509, Orlando, FL 32801, Phone Number (407)317-7934.

(c) The office of the Agency Clerk and the offices of the Deputy Agency Clerk are open to the public between the hours of 8:00 a.m. and 5:00 p.m., excluding state holidays and weekends.

(3)(a) Final orders, except final orders for child support enforcement, required to be indexed may be found by utilizing the Department's official reporter, Florida Administrative Law Reports (FALR). The official reporter is found at most county law libraries, and is available by subscription at Florida Administrative Law Reports, Post Office Box 385, Gainesville, Florida 32602, Phone Number (904)375-8036.

(b) Final orders relating to child support enforcement that are required to be indexed are located at the offices of the Deputy Agency Clerks, as provided in subsection (2).

(4)(a) Except for final orders relating to child support enforcement, final orders that are listed, but not indexed and published, and the list of such final orders are maintained at the Office of the Agency Clerk.

(b) Deputy Agency Clerks will render, file, index, and certify final orders relating to child support enforcement. Final orders relating to child support enforcement that are listed, but not indexed and published, and the list of those final orders are maintained at the offices of the Deputy Agency Clerks for the Child Support Enforcement Program.

(5) Certified copies of final orders pertaining to child support enforcement may be obtained from the Deputy Agency Clerks at their office designations, as provided in subsection (2). Certified copies of other final orders may be obtained from the Office of the Agency Clerk. The Department will charge fees, as provided in section 119.07(4), F.S., for certified copies of final orders.

Rulemaking Authority 120.53(1)(c), 213.06(1), 409.2557(3), 409.256(17), 409.2563(16) FS. Law Implemented 120.53(2)(a) FS. History—New 11-11-92, Amended 3-7-07, Repealed XX-XX-XX.

12-2.023 Final Orders Required to be Indexed.

(1) For purposes of this part, final orders issued pursuant to sections 120.565, 120.569, 120.57(1), (2), (3), 409.256 and 409.2563, F.S., which are required to be indexed pursuant to rule 1B-32.001, F.A.C., shall be indexed. The following categories of final orders are required to be indexed:

(a) A final order which discusses a substantial legal issue of first impression which is actually resolved in the case;

(b) A final order which establishes a rule of law, principle, or policy for the first time, which the agency will rely upon and apply in similar circumstances;

(c) A final order which alters, modifies, or significantly clarifies a rule of law, principle, or policy previously applied, announced, or relied upon by the agency; and,

(d) A final order which resolves an apparent conflict in decisions of the agency or harmonizes decisions of appellate courts.

(2) Final orders rendered by the Division of Administrative Hearings pursuant to sections 120.54(4) and 120.56, F.S., will be indexed by the Division of Administrative Hearings.

(3) The following categories of final orders are excluded from indexing, but are listed pursuant to the provisions of rule 12-2.024, F.A.C.:

(a) Final orders resulting from stipulations, agreed settlements, and consent agreements;

(b) Final orders in license or permit denial or revocation proceedings, unless the final order is of precedential value as described in paragraphs (1)(a) through (d); and,

(c) Final orders issued by the child support enforcement program of the Department, unless the final order is of precedential value as described in paragraphs (1)(a) through (d).

Rulemaking Authority 120.53(1)(c), 213.06(1), 409.2557(3)(p), 409.256(17), 409.2563(16) FS. Law Implemented 120.53(2) FS. History—New 11-11-92, Amended 3-7-07, Repealed XX-XX-XX.

12-2.024 Listing of Final Orders.

The Department shall maintain a list of stipulations, agreed settlements, consent agreements, and other final orders lacking precedential value, which the agency has excluded from indexing. The list shall contain the names of the parties to the proceeding and the number assigned to the final order.

Rulemaking Authority 120.533, 213.06(1) FS. Law Implemented 120.53(2) FS. History—New 11-11-92, Repealed XX-XX-XX.

12-2.025 Designation of Official Reporter.

(1) Child support enforcement final orders will be listed and maintained by the child support enforcement Deputy Agency Clerks.

(2) For all other Department final orders, the Department designates the Florida Administrative Law Reports as its official reporter for purposes of publishing and indexing by subject matter all Department final orders required to be indexed by section 120.53, F.S., and rule 1B-32.001, F.A.C.

(3) The General Counsel, the General Counsel's designee, or Agency Clerk shall determine the final orders required to be indexed.

Rulemaking Authority 120.53(1)(c), 213.06(1) FS. Law Implemented 120.53(4) FS. History—New 11-11-92, Amended 3-7-07, Repealed XX-XX-XX.

12-2.026 Numbering of Final Orders.

(1) All final orders shall be sequentially numbered at the time of rendition.

(2) The sequential number shall be a two-part number separated by a dash with the first part indicating the year and the second part indicating the numerical sequence of the order as rendered for that year, beginning with number 1 each new calendar year. The assigned agency designation prefix shall precede the two-part number. The agency designated prefixes are:

(a) "DORCSA" for administrative paternity and support orders rendered by the Child Support Enforcement Program.

(b) "DORCSO" for all other final orders rendered by the Child Support Enforcement Program.

(c) "DOR" for all final orders not rendered by the Child Support Enforcement Program.

(3) The applicable order category shall be added as a suffix succeeding the agency designation prefix and two-part number. The order categories are as follows:

(a) DS – Declaratory Statement

(b) FOI – Final Order/Informal Proceedings

(c) FOF – Final Order/Formal Proceedings

(d) AS – Agreed Settlement

(4) For child support enforcement administrative paternity and support orders, the applicable categories shall be added as a sub-suffix succeeding the applicable order categories in subsection (3). The sub-suffix categories are as follows.

(a) Paternity Only: ESTPAT – Establishment of Administrative Paternity Order

(b) Paternity and Support:

1. ESTPAS – Establishment of Administrative Paternity and Support Order

2. MODPAS – Modification of Administrative Paternity and Support Order

3. SUSPPAS – Suspension of Administrative Paternity and Support Order

4. REIPAS – Reinstatement of Administrative Paternity and Support Order

5. TERMPAS – Termination of Administrative Paternity and Support Order

(c) Support Only:

1. ESTS – Establishment of Administrative Support Order

2. MODS – Modification of Administrative Support Order

3. SUSPS – Suspension of Administrative Support Order

4. REIS – Reinstatement of Administrative Support Order

5. TERMS – Termination of Administrative Support Order

Rulemaking Authority 120.53(1)(c), 213.06(1) FS. Law Implemented 120.53(2), (3), (4), 409.256, 409.2563 FS.

History–New 11-11-92, Amended 3-7-07, Repealed XX-XX-XX.