

By Representative Rodriguez-Chomat

1 A bill to be entitled
2 An act relating to the state lottery; amending
3 s. 24.115, F.S.; providing for reducing prize
4 amounts to certain persons who receive public
5 assistance under certain circumstances;
6 providing for deducting overpayments from
7 public assistance payment under certain
8 circumstances; providing for agency
9 responsibility for identifying certain
10 recipients of public assistance; providing for
11 disposition of remainders of lottery prizes
12 under certain circumstances; providing immunity
13 from liability to state agencies under certain
14 circumstances; defining "public assistance";
15 amending s. 414.28, F.S.; conforming provisions
16 relating to public assistance payments;
17 providing an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsection (4) of section 24.115, Florida
22 Statutes, 1996 Supplement, is amended to read:

23 24.115 Payment of prizes.--

24 (4)(a) It is the responsibility of the appropriate
25 state agency and of the judicial branch to identify to the
26 department, in the form and format prescribed by the
27 department, persons owing an outstanding debt to any state
28 agency or owing child support collected through a court. Prior
29 to the payment of a prize of \$600 or more to any claimant
30 having such an outstanding obligation, the department shall
31 transmit the amount of the debt to the agency claiming the

1 debt and shall authorize payment of the balance to the prize
2 winner after deduction of the debt.

3 (b) It is the responsibility of the appropriate state
4 agency to identify to the department, in a form and format
5 prescribed by the department, persons who have received any
6 public assistance on or after January 1, 1998. Prior to the
7 payment of a prize of \$1,500 or more to any claimant
8 identified as receiving any public assistance on or after
9 January 1, 1998, the department shall reduce the amount of the
10 prize by the lesser of one-half of the total amount of the
11 prize prior to any deductions or the total amount of such
12 public assistance received, shall transmit such amount to the
13 agency reporting the payment of the public assistance, and
14 shall authorize payment of the balance to the prize winner
15 after deduction of the amount of the public assistance.

16 (c) If a prize winner owes multiple debts or has
17 received public assistance subject to offset under this
18 subsection and the prize is insufficient to cover all such
19 debts or public assistance, the amount of the prize shall be
20 transmitted first to the agency claiming that past due child
21 support is owed. If a balance of lottery prize remains after
22 payment of past due child support, the remaining lottery prize
23 amount shall be transmitted to other agencies claiming debts
24 owed to the state, on a pro rata basis, based upon the ratio
25 of the individual debt to the remaining debt owed to the
26 state. If a balance of lottery prize remains after payment of
27 all such debts, the remaining lottery prize amount shall be
28 transmitted to other agencies reporting payment of public
29 assistance, on a pro rata basis.

30 (d) If any error in payment is made pursuant to
31 paragraph (b) constituting an overpayment to a person who

1 receives public assistance, the amount of the overpayment
2 shall be deducted from future public assistance payments to
3 such person.

4 (e) A state agency shall not be subject to any
5 liability in the event of any mistake which may occur in any
6 determination made under paragraph (b) or for any damages if a
7 person brings an action against an agency for identifying the
8 person as a recipient of public assistance.

9 (f) For purposes of this section, "public assistance"
10 includes all payments of money made to or on behalf of a
11 recipient, including, but not limited to, assistance received
12 under chapter 414, the Medicaid program, and mandatory and
13 optional supplement payments under the Social Security Act.

14 Section 2. Subsections (1), (2), (6), and (8) of
15 section 414.28, Florida Statutes, 1996 Supplement, are amended
16 to read:

17 414.28 Public assistance payments to constitute debt
18 of recipient.--

19 (1) CLAIMS.--The acceptance of public assistance
20 creates a debt of the person accepting assistance, which debt
21 is enforceable only after the death of the recipient or upon
22 receipt of a lottery prize of \$1,500 or more. The debt
23 thereby created is enforceable only by claim filed against the
24 estate of the recipient after his death or by suit to set
25 aside a fraudulent conveyance, as defined in subsection (3),
26 or as specified in s. 24.115(4). After the death of the
27 recipient and within the time prescribed by law, the
28 department may file a claim against the estate of the
29 recipient for the total amount of public assistance paid to or
30 for the benefit of such recipient, reimbursement for which has
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1 not been made. Claims so filed shall take priority as class 7
2 claims as provided by s. 733.707(1)(g).

3 (2) DISCHARGE OF DEBT.--The debt created by this
4 section shall be discharged as specified in s. 24.115(4) or
5 pursuant to s. 733.710 unless the department institutes
6 probate proceedings as a creditor, files a timely claim
7 against the estate of the debtor, or institutes a suit to set
8 aside a fraudulent conveyance as defined in subsection (3).

9 (6) NOTICE.--The department shall notify all persons
10 receiving or applying for public assistance that all public
11 assistance grants paid constitute a claim against the estate
12 or lottery winnings of \$1,500 or more of each recipient. The
13 notice may be given by letter mailed to the last known address
14 of each recipient, but the failure to give such notice does
15 not affect the validity of the claim.

16 (8) DISPOSITION OF FUNDS RECOVERED.--Except for funds
17 collected pursuant to s. 24.115(4),all funds collected under
18 this section shall be deposited with the Department of Banking
19 and Finance and a report of such deposit made to the
20 Department of Children and Family ~~Health and Rehabilitative~~
21 Services. After payment of costs the sums so collected shall
22 be credited to the Department of Children and Family ~~Health~~
23 ~~and Rehabilitative~~ Services and used by it.

24 Section 3. This act shall take effect October 1, 1997.

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27 HOUSE SUMMARY

28 Provides for reducing payments of prize amounts to
29 persons who receive public assistance and making payments
30 to the agency paying the public assistance. Exempts
31 state agencies from any liability for mistakes in
determining amounts to be paid as lottery prizes to
recipients of public assistance or for identifying a
person as a recipient of public assistance.