

By the Committee on Regulated Services and 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 reporting requirements; providing an
18 effective date.

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

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

24 24.115 Payment of prizes.--

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

1 transmit the amount of the debt to the agency claiming the
2 debt and shall authorize payment of the balance to the prize
3 winner after deduction of the debt.

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

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

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1 (d) If any error in payment is made pursuant to
2 paragraph (b) constituting an overpayment to a person who
3 receives public assistance, the amount of the overpayment
4 shall be deducted from future public assistance payments to
5 such person.

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

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

16 Section 2. Subsections (1), (2), (6), and (8) of
17 section 414.28, Florida Statutes, 1996 Supplement, are
18 amended, and subsection (11) is added to said section, to
19 read:

20 414.28 Public assistance payments to constitute debt
21 of recipient.--

22 (1) CLAIMS.--The acceptance of public assistance
23 creates a debt of the person accepting assistance, which debt
24 is enforceable only after the death of the recipient or upon
25 receipt of a lottery prize of \$1,500 or more. The debt
26 thereby created is enforceable only by claim filed against the
27 estate of the recipient after his death or by suit to set
28 aside a fraudulent conveyance, as defined in subsection (3),
29 or as specified in s. 24.115(4). After the death of the
30 recipient and within the time prescribed by law, the
31 department may file a claim against the estate of the

1 recipient for the total amount of public assistance paid to or
2 for the benefit of such recipient, reimbursement for which has
3 not been made. Claims so filed shall take priority as class 7
4 claims as provided by s. 733.707(1)(g).

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

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

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

26 (11) The department shall provide a record of amounts
27 withheld under this section to the Child Support Enforcement
28 Program of the Department of Revenue. Such record shall
29 contain the claimant's name, social security number, any
30 public assistance family number, and any amount retained
31 toward public assistance.

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