

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, 1999. 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, 1999, 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 is limited to payments of state money made to or on behalf of
13 a recipient after January 1, 1999, for assistance received
14 under chapter 414 and the Medicaid program.

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

19 414.28 Public assistance payments to constitute debt
20 of recipient.--

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

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

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

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

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

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

29 Section 3. This act shall take effect October 1 of the
30 year in which enacted.

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