Florida House of Representatives - 1998

CS/CS/HB 1407

By the Committees on Finance & Taxation, Regulated Services and Representatives Rodriguez-Chomat, Fasano and Edwards

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, 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
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transmit the amount of the debt to the agency claiming the 1 debt and shall authorize payment of the balance to the prize 2 3 winner after deduction of the debt. (b) It is the responsibility of the appropriate state 4 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 payment of a prize of \$1,500 or more to any claimant 8 9 identified as receiving any public assistance on or after January 1, 1999, 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 13 public assistance received, shall transmit such amount to the agency reporting the payment of the public assistance, and 14 15 shall authorize payment of the balance to the prize winner after deduction of the amount of the public assistance. 16 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 amount shall be transmitted to other agencies claiming debts 24 25 owed to the state, on a pro rata basis, based upon the ratio of the individual debt to the remaining debt owed to the 26 state. If a balance of lottery prize remains after payment of 27 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. 31

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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 person as a recipient of public assistance. 10 (f) For purposes of this section, "public assistance" 11 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: 414.28 Public assistance payments to constitute debt 19 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 receipt of a lottery prize of \$1,500 or more. The debt 24 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 recipient and within the time prescribed by law, the 29 30 department may file a claim against the estate of the 31 recipient for the total amount of public assistance paid to or 3

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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 <u>as specified in s. 24.115(4) or</u>
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 <u>or lottery winnings of \$1,500 or more</u> 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.--<u>Except for funds</u> 18 <u>collected pursuant to s. 24.115(4)</u>, 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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