IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

FIFTH DISTRICT   JULY TERM 2004

JOHN F. PIWOWARSKI,

        Appellant,

v.   CASE NO. 5D03-3618

DEPARTMENT OF CHILDREN AND FAMILIES,

        Appellee.

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Opinion Filed August 13, 2004

Administrative Appeal from the
Department of Children and Families.

John F. Piwowarski, Daytona Beach, pro se.

No Appearance for Appellee.

GRIFFIN, J.

      Petitioner below, John F. Piwowarski ["Petitioner"], pro se, appeals a final order of the

Department of Children and Families ["the Department"] denying food stamp benefits. The

stated reasons for denial were that the value of his assets exceeded program eligibility limits,

and his income was more than allowed for the program. Nothing in the record supports

Petitioner's claims of error.

      Among Petitioner's arguments is his contention that the Department erroneously failed

to deduct from his income $200.00 he pays monthly in voluntary child support. The child

support deduction at issue is described by the regulation as "[l]egally obligated child support

payments." *See* 7 C.F.R. § 273.9(d)(5); 7 C.F.R. § 273.2(f)(xii). The Department argued at the hearing that "legally obligated" meant "court ordered." No definition of "legally obligated" could be found in this context, but it is well established that parents do have a legal duty to support their minor children. *See generally* 25 Fla. Jur. 2d *Family Law* § 110 at 156 (1992). We need not decide whether the Department's interpretation of this regulation is correct because Petitioner failed to offer evidence of a legal obligation of support. In his notice of appeal, Petitioner alleged that the hearing officer "didn't consider the (checks) $200.00 that I always send my dislect [dyslexic?] (over 19) daughter while she [is] in school." Although Petitioner may not have been required to show payment of support pursuant to a court order in order to qualify for the child support deduction, he was required to demonstrate his legal obligation to pay child support.

　　AFFIRMED.

PETERSON and PALMER, JJ., concur.