

Third District Court of Appeal

State of Florida

Opinion filed June 10, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-0653
Lower Tribunal Nos. 2001298959, 13180026606FC

Kelvin Samuel Richards,
Appellant,

vs.

**State of Florida Department of Revenue Child Support Program
& Saprell N. Frazier,**
Appellees.

An Appeal from the State of Florida Department of Revenue.

Kelvin Samuel Richards, in proper person.

Ashley Moody, Attorney General, and Toni C. Bernstein (Tallahassee),
Senior Assistant Attorney General, for appellee Department of Revenue.

Before EMAS, C.J., and SALTER, and LINDSEY, JJ.

PER CURIAM.

Appellant Kelvin Samuel Richards appeals a final administrative support order rendered by the Department of Revenue. We affirm.

The mother of Appellant's child requested Title IV-D child support services from the Department of Revenue. The Department sent its Notice of Proceeding to Establish Administrative Support Order to Appellant. A Financial Affidavit and Parent Information Form was enclosed with the Notice. The Notice advised Appellant that he was "required by law to fill out and sign" these forms no later than 20 days after receipt. The Department first sent the Notice to Appellant by certified mail, return receipt requested. The signature on the return receipt was illegible. The Department then requested service of process from the Miami Dade Police Department. The police left a notice at Appellant's address and Appellant picked up the documents at the police department.

However, Appellant failed to complete and return any of the documents provided with the Notice. Using available information, the Department completed its Proposed Final Administrative Support Order and child support guidelines worksheet. Appellant's income was obtained from SUNTAX wage information. His social security benefits were included in his income. The Proposed Order was mailed to Appellant at his address of record. The Proposed Order advised Appellant of his options in the event he disagreed with the Proposed Order. He could either contact the Department for an informal discussion or file a written request for a

hearing. The Proposed Order further advised Appellant that if he did neither, the Department would issue the Proposed Order. Appellant exercised neither option. The Final Administrative Support Order was rendered on March 26, 2019. Appellant timely appealed.

Appellant failed to participate in the administrative proceedings because he did not return the forms supplied to him by the Department, did not request his financial information and any support paid, and he failed to request an administrative hearing after notice of his right to do so. Consequently, Appellant has not preserved any issue for appellate review. By waiving his right to a hearing, Appellant waived his ability to challenge the sufficiency of the evidence supporting the Department's determination of his child support obligations. See § 409.2563(7)(b), Fla. Stat. (“If the parent from whom support is being sought does not file a timely request for a hearing, the parent will be deemed to have waived the right to request a hearing.”); Standard v. State, Dep’t of Revenue, Child Support Enf’t Program, 249 So. 3d 798, 798-99 (Fla. 1st DCA 2018).

Accordingly, we are constrained to affirm the Final Administrative Support Order.

Affirmed.