

By Senator Mitchell

4-1322-99

See HB

1                                   A bill to be entitled  
2           An act relating to child support; amending s.  
3           61.30, F.S.; providing definitions; revising  
4           requirements for determination and adjustment  
5           of a child support obligation; revising factors  
6           to be considered in justifying deviations;  
7           deleting separate review procedure for Title  
8           IV-D cases; providing a presumption regarding  
9           an adult parent's ability to work; revising  
10          allowable deductions from gross income;  
11          providing deduction for direct payment, rather  
12          than prepayment, of child care costs; providing  
13          responsibility for health insurance costs and  
14          noncovered medical costs; requiring review of  
15          the child support obligation schedules by an  
16          economist for the Legislature; requiring court  
17          review of a child support obligation arrived at  
18          through a settlement agreement; amending ss.  
19          61.13, 61.14, 409.2564, 741.0306, and 794.05,  
20          F.S.; conforming provisions and references;  
21          creating the Child Support Study Commission;  
22          providing membership; providing for  
23          administrative support and assistance by the  
24          Office of the State Courts Administrator;  
25          providing duties of the commission; requiring a  
26          report; providing an appropriation; providing  
27          an effective date.

28  
29 Be It Enacted by the Legislature of the State of Florida:  
30  
31

1 Section 1. Section 61.30, Florida Statutes, 1998  
2 Supplement, is amended to read:

3 61.30 Child support ~~guidelines~~; retroactive child  
4 support.--

5 (1) As used in this section, the following terms have  
6 the following meanings:

7 (a) "Basic obligation of the parents" means the amount  
8 derived from the schedules in subsection (7).

9 (b) "Combined presumed child support amount" means the  
10 basic obligation of the parents plus child care costs as  
11 provided in subsection (8) and health insurance costs as  
12 provided in subsection (9).

13 (c) "Parent's presumed child support amount" means the  
14 amount derived from apportioning the combined presumed child  
15 support amount between the parents as provided in subsections  
16 (10) and (11).

17 (d) "Total child support obligation" means a parent's  
18 presumed child support amount and any deviation ordered.

19 (2)(1)(a) A parent's presumed ~~The~~ child support  
20 guideline amount as determined by this section presumptively  
21 establishes the amount the trier of fact shall order as child  
22 support in an initial proceeding for such support or in a  
23 proceeding for modification of an existing order for such  
24 support, whether the proceeding arises under this or another  
25 chapter. The trier of fact may order payment of child support  
26 which varies, plus or minus 5 percent, from the parent's  
27 presumed child support guideline amount, after considering all  
28 the factors in subsection (12) ~~relevant factors, including the~~  
29 ~~needs of the child or children, age, station in life, standard~~  
30 ~~of living, and the financial status and ability of each~~  
31 ~~parent.~~ The trier of fact may order payment of child support

1 in an amount which varies more than 5 percent from a parent's  
2 presumed child support ~~such guideline~~ amount only upon a  
3 written finding explaining why ordering payment of such  
4 guideline amount would be unjust or inappropriate.

5 (b) A parent's presumed child support amount ~~The~~  
6 ~~guidelines~~ may provide the basis for proving a substantial  
7 change in circumstances upon which a modification of an  
8 existing order may be granted. However, the difference  
9 between the existing monthly obligation and the amount  
10 provided for under this section ~~the guidelines~~ shall be at  
11 least 15 percent or \$50, whichever amount is greater, before  
12 the court may find that a parent's presumed child support  
13 amount provides ~~the guidelines provide~~ a substantial change in  
14 circumstances.

15 (c) ~~In Title IV-D cases reviewed pursuant to the~~  
16 ~~3-year review and adjustment cycle, no change of circumstance~~  
17 ~~need be proven to warrant a modification.~~

18 ~~(3)~~<sup>(2)</sup> Income shall be determined on a monthly basis  
19 for the obligor and for the obligee as follows:

20 (a) Gross income shall include, but is not limited to,  
21 the following items:

- 22 1. Salary or wages.
- 23 2. Bonuses, commissions, allowances, overtime, tips,  
24 and other similar payments.
- 25 3. Business income from sources such as  
26 self-employment, partnership, close corporations, and  
27 independent contracts. "Business income" means gross receipts  
28 minus ordinary and necessary expenses required to produce  
29 income.
- 30 4. Disability benefits.
- 31 5. Worker's compensation.

- 1           6. Unemployment compensation.
- 2           7. Pension, retirement, or annuity payments.
- 3           8. Social security benefits.
- 4           9. Spousal support received from a previous marriage  
5 or court ordered in the marriage before the court.
- 6           10. Interest and dividends.
- 7           11. Rental income, which is gross receipts minus  
8 ordinary and necessary expenses required to produce the  
9 income.
- 10          12. Income from royalties, trusts, or estates.
- 11          13. Reimbursed expenses or in kind payments to the  
12 extent that they reduce living expenses.
- 13          14. Gains derived from dealings in property, unless  
14 the gain is nonrecurring.
- 15          (b) It is presumed that an adult parent who is not  
16 prevented from working because of a disability and who is  
17 legally present in the United States has the present ability  
18 to earn income of at least the minimum wage for 35 hours  
19 weekly.Income on a monthly basis shall be imputed to an  
20 unemployed or underemployed parent when such employment or  
21 underemployment is found to be voluntary on that parent's  
22 part, absent physical or mental incapacity or other  
23 circumstances over which the parent has no control. In the  
24 event of such voluntary unemployment or underemployment, the  
25 employment potential and probable earnings level of the parent  
26 shall be determined based upon his or her recent work history,  
27 occupational qualifications, and prevailing earnings level in  
28 the community; however, the court may refuse to impute income  
29 to a primary residential parent if the court finds it  
30 necessary for the parent to stay home with the child.
- 31

1 (c) Public assistance as defined in s. 409.2554 shall  
2 be excluded from gross income.

3 (4)~~(3)~~ Allowable deductions from gross income shall  
4 include:

5 (a) Federal, state, and local income tax deductions,  
6 adjusted for actual filing status after the judgment ~~and~~  
7 ~~allowable dependents and income tax liabilities.~~ Amounts  
8 withheld that exceed those required to pay the taxes owed  
9 shall not be deducted from gross income.

10 (b) Federal insurance contributions or self-employment  
11 tax.

12 (c) Mandatory union dues.

13 (d) Mandatory retirement payments.

14 (e) Health insurance payments, excluding payments for  
15 coverage of the minor child.

16 (f) Court-ordered support for other children which is  
17 actually paid.

18 (g) Spousal support paid pursuant to a court order  
19 from a previous marriage or the marriage before the court.

20 (5)~~(4)~~ Net income for the obligor and net income for  
21 the obligee shall be computed by subtracting allowable  
22 deductions from gross income.

23 (6)~~(5)~~ Net income for the obligor and net income for  
24 the obligee shall be added together for a combined net income.

25 (7)~~(6)~~ The following schedules shall be applied to the  
26 combined net income to determine the basic obligation of the  
27 parents ~~minimum child support need:~~

1	Combined						
2	Monthly						
3	Available		Child or Children				
4	Income	One	Two	Three	Four	Five	Six
5	650.00	74	75	75	76	77	78
6	700.00	119	120	121	123	124	125
7	750.00	164	166	167	169	171	173
8	800.00	190	211	213	216	218	220
9	850.00	202	257	259	262	265	268
10	900.00	213	302	305	309	312	315
11	950.00	224	347	351	355	359	363
12	1000.00	235	365	397	402	406	410
13	1050.00	246	382	443	448	453	458
14	1100.00	258	400	489	495	500	505
15	1150.00	269	417	522	541	547	553
16	1200.00	280	435	544	588	594	600
17	1250.00	290	451	565	634	641	648
18	1300.00	300	467	584	659	688	695
19	1350.00	310	482	603	681	735	743
20	1400.00	320	498	623	702	765	790
21	1450.00	330	513	642	724	789	838
22	1500.00	340	529	662	746	813	869
23	1550.00	350	544	681	768	836	895
24	1600.00	360	560	701	790	860	920
25	1650.00	370	575	720	812	884	945
26	1700.00	380	591	740	833	907	971
27	1750.00	390	606	759	855	931	996
28	1800.00	400	622	779	877	955	1022
29	1850.00	410	638	798	900	979	1048
30	1900.00	421	654	818	923	1004	1074
31	1950.00	431	670	839	946	1029	1101

1	2000.00	442	686	859	968	1054	1128
2	2050.00	452	702	879	991	1079	1154
3	2100.00	463	718	899	1014	1104	1181
4	2150.00	473	734	919	1037	1129	1207
5	2200.00	484	751	940	1060	1154	1234
6	2250.00	494	767	960	1082	1179	1261
7	2300.00	505	783	980	1105	1204	1287
8	2350.00	515	799	1000	1128	1229	1314
9	2400.00	526	815	1020	1151	1254	1340
10	2450.00	536	831	1041	1174	1279	1367
11	2500.00	547	847	1061	1196	1304	1394
12	2550.00	557	864	1081	1219	1329	1420
13	2600.00	568	880	1101	1242	1354	1447
14	2650.00	578	896	1121	1265	1379	1473
15	2700.00	588	912	1141	1287	1403	1500
16	2750.00	597	927	1160	1308	1426	1524
17	2800.00	607	941	1178	1328	1448	1549
18	2850.00	616	956	1197	1349	1471	1573
19	2900.00	626	971	1215	1370	1494	1598
20	2950.00	635	986	1234	1391	1517	1622
21	3000.00	644	1001	1252	1412	1540	1647
22	3050.00	654	1016	1271	1433	1563	1671
23	3100.00	663	1031	1289	1453	1586	1695
24	3150.00	673	1045	1308	1474	1608	1720
25	3200.00	682	1060	1327	1495	1631	1744
26	3250.00	691	1075	1345	1516	1654	1769
27	3300.00	701	1090	1364	1537	1677	1793
28	3350.00	710	1105	1382	1558	1700	1818
29	3400.00	720	1120	1401	1579	1723	1842
30	3450.00	729	1135	1419	1599	1745	1867
31	3500.00	738	1149	1438	1620	1768	1891

1	3550.00	748	1164	1456	1641	1791	1915
2	3600.00	757	1179	1475	1662	1814	1940
3	3650.00	767	1194	1493	1683	1837	1964
4	3700.00	776	1208	1503	1702	1857	1987
5	3750.00	784	1221	1520	1721	1878	2009
6	3800.00	793	1234	1536	1740	1899	2031
7	3850.00	802	1248	1553	1759	1920	2053
8	3900.00	811	1261	1570	1778	1940	2075
9	3950.00	819	1275	1587	1797	1961	2097
10	4000.00	828	1288	1603	1816	1982	2119
11	4050.00	837	1302	1620	1835	2002	2141
12	4100.00	846	1315	1637	1854	2023	2163
13	4150.00	854	1329	1654	1873	2044	2185
14	4200.00	863	1342	1670	1892	2064	2207
15	4250.00	872	1355	1687	1911	2085	2229
16	4300.00	881	1369	1704	1930	2106	2251
17	4350.00	889	1382	1721	1949	2127	2273
18	4400.00	898	1396	1737	1968	2147	2295
19	4450.00	907	1409	1754	1987	2168	2317
20	4500.00	916	1423	1771	2006	2189	2339
21	4550.00	924	1436	1788	2024	2209	2361
22	4600.00	933	1450	1804	2043	2230	2384
23	4650.00	942	1463	1821	2062	2251	2406
24	4700.00	951	1477	1838	2081	2271	2428
25	4750.00	959	1490	1855	2100	2292	2450
26	4800.00	968	1503	1871	2119	2313	2472
27	4850.00	977	1517	1888	2138	2334	2494
28	4900.00	986	1530	1905	2157	2354	2516
29	4950.00	993	1542	1927	2174	2372	2535
30	5000.00	1000	1551	1939	2188	2387	2551
31	5050.00	1006	1561	1952	2202	2402	2567

1	5100.00	1013	1571	1964	2215	2417	2583
2	5150.00	1019	1580	1976	2229	2432	2599
3	5200.00	1025	1590	1988	2243	2447	2615
4	5250.00	1032	1599	2000	2256	2462	2631
5	5300.00	1038	1609	2012	2270	2477	2647
6	5350.00	1045	1619	2024	2283	2492	2663
7	5400.00	1051	1628	2037	2297	2507	2679
8	5450.00	1057	1638	2049	2311	2522	2695
9	5500.00	1064	1647	2061	2324	2537	2711
10	5550.00	1070	1657	2073	2338	2552	2727
11	5600.00	1077	1667	2085	2352	2567	2743
12	5650.00	1083	1676	2097	2365	2582	2759
13	5700.00	1089	1686	2109	2379	2597	2775
14	5750.00	1096	1695	2122	2393	2612	2791
15	5800.00	1102	1705	2134	2406	2627	2807
16	5850.00	1107	1713	2144	2418	2639	2820
17	5900.00	1111	1721	2155	2429	2651	2833
18	5950.00	1116	1729	2165	2440	2663	2847
19	6000.00	1121	1737	2175	2451	2676	2860
20	6050.00	1126	1746	2185	2462	2688	2874
21	6100.00	1131	1754	2196	2473	2700	2887
22	6150.00	1136	1762	2206	2484	2712	2900
23	6200.00	1141	1770	2216	2495	2724	2914
24	6250.00	1145	1778	2227	2506	2737	2927
25	6300.00	1150	1786	2237	2517	2749	2941
26	6350.00	1155	1795	2247	2529	2761	2954
27	6400.00	1160	1803	2258	2540	2773	2967
28	6450.00	1165	1811	2268	2551	2785	2981
29	6500.00	1170	1819	2278	2562	2798	2994
30	6550.00	1175	1827	2288	2573	2810	3008
31	6600.00	1179	1835	2299	2584	2822	3021

1	6650.00	1184	1843	2309	2595	2834	3034
2	6700.00	1189	1850	2317	2604	2845	3045
3	6750.00	1193	1856	2325	2613	2854	3055
4	6800.00	1196	1862	2332	2621	2863	3064
5	6850.00	1200	1868	2340	2630	2872	3074
6	6900.00	1204	1873	2347	2639	2882	3084
7	6950.00	1208	1879	2355	2647	2891	3094
8	7000.00	1212	1885	2362	2656	2900	3103
9	7050.00	1216	1891	2370	2664	2909	3113
10	7100.00	1220	1897	2378	2673	2919	3123
11	7150.00	1224	1903	2385	2681	2928	3133
12	7200.00	1228	1909	2393	2690	2937	3142
13	7250.00	1232	1915	2400	2698	2946	3152
14	7300.00	1235	1921	2408	2707	2956	3162
15	7350.00	1239	1927	2415	2716	2965	3172
16	7400.00	1243	1933	2423	2724	2974	3181
17	7450.00	1247	1939	2430	2733	2983	3191
18	7500.00	1251	1945	2438	2741	2993	3201
19	7550.00	1255	1951	2446	2750	3002	3211
20	7600.00	1259	1957	2453	2758	3011	3220
21	7650.00	1263	1963	2461	2767	3020	3230
22	7700.00	1267	1969	2468	2775	3030	3240
23	7750.00	1271	1975	2476	2784	3039	3250
24	7800.00	1274	1981	2483	2792	3048	3259
25	7850.00	1278	1987	2491	2801	3057	3269
26	7900.00	1282	1992	2498	2810	3067	3279
27	7950.00	1286	1998	2506	2818	3076	3289
28	8000.00	1290	2004	2513	2827	3085	3298
29	8050.00	1294	2010	2521	2835	3094	3308
30	8100.00	1298	2016	2529	2844	3104	3318
31	8150.00	1302	2022	2536	2852	3113	3328

1	8200.00	1306	2028	2544	2861	3122	3337
2	8250.00	1310	2034	2551	2869	3131	3347
3	8300.00	1313	2040	2559	2878	3141	3357
4	8350.00	1317	2046	2566	2887	3150	3367
5	8400.00	1321	2052	2574	2895	3159	3376
6	8450.00	1325	2058	2581	2904	3168	3386
7	8500.00	1329	2064	2589	2912	3178	3396
8	8550.00	1333	2070	2597	2921	3187	3406
9	8600.00	1337	2076	2604	2929	3196	3415
10	8650.00	1341	2082	2612	2938	3205	3425
11	8700.00	1345	2088	2619	2946	3215	3435
12	8750.00	1349	2094	2627	2955	3224	3445
13	8800.00	1352	2100	2634	2963	3233	3454
14	8850.00	1356	2106	2642	2972	3242	3464
15	8900.00	1360	2111	2649	2981	3252	3474
16	8950.00	1364	2117	2657	2989	3261	3484
17	9000.00	1368	2123	2664	2998	3270	3493
18	9050.00	1372	2129	2672	3006	3279	3503
19	9100.00	1376	2135	2680	3015	3289	3513
20	9150.00	1380	2141	2687	3023	3298	3523
21	9200.00	1384	2147	2695	3032	3307	3532
22	9250.00	1388	2153	2702	3040	3316	3542
23	9300.00	1391	2159	2710	3049	3326	3552
24	9350.00	1395	2165	2717	3058	3335	3562
25	9400.00	1399	2171	2725	3066	3344	3571
26	9450.00	1403	2177	2732	3075	3353	3581
27	9500.00	1407	2183	2740	3083	3363	3591
28	9550.00	1411	2189	2748	3092	3372	3601
29	9600.00	1415	2195	2755	3100	3381	3610
30	9650.00	1419	2201	2763	3109	3390	3620
31	9700.00	1422	2206	2767	3115	3396	3628

1	9750.00	1425	2210	2772	3121	3402	3634
2	9800.00	1427	2213	2776	3126	3408	3641
3	9850.00	1430	2217	2781	3132	3414	3647
4	9900.00	1432	2221	2786	3137	3420	3653
5	9950.00	1435	2225	2791	3143	3426	3659
6	10000.00	1437	2228	2795	3148	3432	3666

7  
8 For combined monthly available income less than the amount set  
9 out on the above schedules, the parent should be ordered to  
10 pay a child support amount, determined on a case-by-case  
11 basis, to establish the principle of payment and lay the basis  
12 for increased orders should the parent's income increase in  
13 the future. For combined monthly available income greater  
14 than the amount set out in the above schedules, the obligation  
15 shall be the minimum amount of support provided by the  
16 schedules ~~guidelines~~ plus the following percentages multiplied  
17 by the amount of income over \$10,000:

18						
19			Child or Children			
20						
21	One	Two	Three	Four	Five	Six
22						
23	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%
24						

25 (8)~~(7)~~ Child care costs incurred on behalf of the  
26 children due to employment, job search, or education  
27 calculated to result in employment or to enhance income of  
28 current employment of either parent shall be reduced by 25  
29 percent and then shall be added to the basic obligation of the  
30 parents. After the adjusted child care costs are added to the  
31 basic obligation of the parents, any direct payments made

1 ~~moneys prepaid~~ by the noncustodial parent for child care costs  
2 for the child or children of this action shall be deducted  
3 from that noncustodial parent's presumed child support amount  
4 ~~obligation~~ for that child or those children. Child care costs  
5 shall not exceed the level required to provide quality care  
6 from a licensed source for the children.

7 (9)~~(8)~~ Health insurance costs resulting from coverage  
8 ordered pursuant to s. 61.13(1)(b), ~~and any noncovered~~  
9 ~~medical, dental, and prescription medication expenses of the~~  
10 ~~child,~~ shall be added to the basic obligation of the parents  
11 ~~unless these expenses have been ordered to be separately paid~~  
12 ~~on a percentage basis.~~ After the health insurance costs are  
13 added to the basic obligation of the parents, any direct  
14 payments made ~~moneys prepaid~~ by the noncustodial parent for  
15 health-related costs for the child or children of this action  
16 shall be deducted from that noncustodial parent's presumed  
17 child support amount ~~obligation~~ for that child or those  
18 children. When a parent has children from more than one  
19 relationship who are covered by the same health insurance, the  
20 court may apportion payments for health insurance costs among  
21 the various child support obligations. Responsibility for  
22 noncovered medical, dental, and prescription medication  
23 expenses of the child shall be apportioned between the  
24 parents.

25 (10)~~(9)~~ Each parent's percentage share of the combined  
26 presumed child support amount ~~need~~ shall be determined by  
27 dividing each parent's net income by the combined net income.

28 (11)~~(10)~~ Each parent's actual dollar share of the  
29 combined presumed child support amount ~~need~~ shall be  
30 determined by multiplying the combined presumed ~~minimum~~ child  
31 support amount ~~need~~ by each parent's percentage share.

1            (12)~~(11)~~ The court may adjust the combined presumed  
2 minimum child support amount award, or the presumed child  
3 support amount for either or both parents ~~parent's share of~~  
4 ~~the minimum child support award~~, based upon the following  
5 considerations:

6            (a) Extraordinary medical, psychological, educational,  
7 or dental expenses.

8            (b) Independent income of the child, not to include  
9 moneys received by a child from supplemental security income.

10           (c) The payment of support for a parent which  
11 regularly has been paid and for which there is a demonstrated  
12 need.

13           (d) Seasonal variations in one or both parents'  
14 incomes or expenses.

15           (e) The age of the child, taking into account the  
16 greater needs of older children.

17           (f) Special needs, such as costs that may be  
18 associated with the disability of a child, that have  
19 traditionally been met within the family budget even though  
20 the fulfilling of those needs will cause the support to exceed  
21 the parent's presumed child support amount ~~proposed~~  
22 guidelines.

23           (g) The particular shared parental arrangement, such  
24 as where the children spend a substantial amount of their time  
25 with the secondary residential parent thereby reducing the  
26 financial expenditures incurred by the primary residential  
27 parent, or the refusal of the secondary residential parent to  
28 become involved in the activities of the child, or giving due  
29 consideration to the primary residential parent's homemaking  
30 services. The schedules provided in subsection (7) were  
31 developed based on the cost of raising a child in an intact

1 family. If a child has visitation with a noncustodial parent  
2 for more than 28 consecutive days the court may reduce the  
3 amount of support paid to the custodial parent during the time  
4 of visitation not to exceed 50 percent of the amount awarded.

5 (h) Total available assets of the obligee, obligor,  
6 and the child.

7 (i) The impact of the Internal Revenue Service  
8 dependency exemption and waiver of that exemption. The court  
9 may order the primary residential parent to execute a waiver  
10 of the Internal Revenue Service dependency exemption if the  
11 noncustodial parent is current in support payments.

12 (j) When a parent's presumed child support amount  
13 ~~application of the child support guidelines~~ requires a person  
14 to pay another person more than 55 percent of his or her gross  
15 income for a child support obligation for current support  
16 resulting from a single support order.

17 (k) When a parent's income is below the federal  
18 poverty guidelines and the parent's presumed child support  
19 amount requires a person to pay another person more than 50  
20 percent of his or her net income for a child support  
21 obligation for current support resulting from a single support  
22 order.

23 (l) When a parent's income is below the federal  
24 poverty guidelines and the parent's presumed child support  
25 amount requires a person to pay another person more than 40  
26 percent of his or her net income for a child support  
27 obligation for current support when there are multiple support  
28 obligations.

29 (m) The needs of the child or children and the age,  
30 station in life, standard of living, and financial status and  
31 ability of each parent.

1            (n)~~(k)~~ Any other adjustment which is needed to achieve  
2 an equitable result which may include, but not be limited to,  
3 a reasonable and necessary existing expense or debt. Such  
4 expense or debt may include, but is not limited to, a  
5 reasonable and necessary expense or debt which the parties  
6 jointly incurred during the marriage.

7            (13)~~(12)~~ A parent with a support obligation may have  
8 other children living with him or her who were born or adopted  
9 after the support obligation arose. The existence of such  
10 subsequent children should not as a general rule be considered  
11 by the court as a basis for disregarding the parent's presumed  
12 child support amount ~~provided in the guidelines~~. The parent  
13 with a support obligation for subsequent children may raise  
14 the existence of such subsequent children as a justification  
15 for deviation from the parent's presumed child support amount  
16 ~~guidelines~~. However, if the existence of such subsequent  
17 children is raised, the income of the other parent of the  
18 subsequent children shall be considered by the court in  
19 determining whether or not there is a basis for deviation from  
20 the parent's presumed child support guideline amount. The  
21 issue of subsequent children may only be raised in a  
22 proceeding for an upward modification of an existing award and  
23 may not be applied to justify a decrease in an existing award.

24            (14)~~(13)~~ If the recurring income is not sufficient to  
25 meet the needs of the child, the court may order child support  
26 to be paid from nonrecurring income or assets.

27            (15)~~(14)~~ Every petition for child support or for  
28 modification of child support shall be accompanied by an  
29 affidavit which shows the party's income, allowable  
30 deductions, and net income computed in accordance with this  
31 section. The affidavit shall be served at the same time that

1 the petition is served. The respondent, whether or not a  
2 stipulation is entered, shall make an affidavit which shows  
3 the party's income, allowable deductions, and net income  
4 computed in accordance with this section. The respondent  
5 shall include his or her affidavit with the answer to the  
6 petition or as soon thereafter as is practicable, but in any  
7 case at least 72 hours prior to any hearing on the finances of  
8 either party.

9 (16)~~(15)~~ For purposes of establishing an obligation  
10 for support in accordance with this section, if a person who  
11 is receiving public assistance is found to be noncooperative  
12 as defined in s. 409.2572, the IV-D agency is authorized to  
13 submit to the court an affidavit attesting to the income of  
14 the custodial parent based upon information available to the  
15 IV-D agency.

16 (17)~~(16)~~ The Legislature shall review the provisions  
17 of guidelines established in this section at least every 4  
18 years beginning in 1997. The schedules provided in subsection  
19 (7) shall be reviewed by an economist for the Legislature to  
20 ensure that the amounts for the lower income categories are  
21 not too high.

22 (18)~~(17)~~ In an initial determination of child support  
23 in either a Title IV-D case or non-Title IV-D case, whether in  
24 a paternity action, dissolution of marriage action, or  
25 petition for support during the marriage, the court has  
26 discretion to award child support retroactive to the date when  
27 the parents did not reside together in the same household with  
28 the child, not to exceed a period of 24 months preceding the  
29 filing of the petition, regardless of whether that date  
30 precedes the filing of the petition. In determining the  
31

1 retroactive award in such cases, the court shall consider the  
2 following:

3 (a) The court shall apply the provisions of this  
4 section guidelines in effect at the time of the hearing  
5 subject to the obligor's demonstration of his or her actual  
6 income, as defined by subsection (3)~~(2)~~, during the  
7 retroactive period. Failure of the obligor to so demonstrate  
8 shall result in the court using the obligor's income at the  
9 time of the hearing in computing child support for the  
10 retroactive period.

11 (b) All actual payments made by the noncustodial  
12 parent to the custodial parent or the child or third parties  
13 for the benefit of the child throughout the proposed  
14 retroactive period.

15 (c) The court should consider an installment payment  
16 plan for the payment of retroactive child support.

17 (19) If the parents agree to a child support  
18 obligation as part of a settlement agreement, the court shall  
19 review the agreement to determine whether it provides for the  
20 parent's presumed child support amount. If the agreement  
21 provides a deviation from the parent's presumed child support  
22 amount, the court shall determine whether the deviation is  
23 justified based upon the factors in subsection (12). If the  
24 deviation is not justified based on the factors in subsection  
25 (12) or based on the best interests of the child or children,  
26 the court shall not approve the agreement of the parents.

27 Section 2. Paragraphs (a) and (b) of subsection (1)  
28 and subsection (5) of section 61.13, Florida Statutes, 1998  
29 Supplement, are amended to read:

30 61.13 Custody and support of children; visitation  
31 rights; power of court in making orders.--

1           (1)(a) In a proceeding for dissolution of marriage,  
2 the court may at any time order either or both parents who owe  
3 a duty of support to a child to pay support in accordance with  
4 ~~the guidelines in~~ s. 61.30. The court initially entering an  
5 order requiring one or both parents to make child support  
6 payments shall have continuing jurisdiction after the entry of  
7 the initial order to modify the amount and terms and  
8 conditions of the child support payments when the modification  
9 is found necessary by the court in the best interests of the  
10 child, when the child reaches majority, or when there is a  
11 substantial change in the circumstances of the parties. The  
12 court initially entering a child support order shall also have  
13 continuing jurisdiction to require the obligee to report to  
14 the court on terms prescribed by the court regarding the  
15 disposition of the child support payments.

16           (b) Each order for child support shall contain a  
17 provision for health insurance for the minor child when the  
18 insurance is reasonably available. Insurance is reasonably  
19 available if either the obligor or obligee has access at a  
20 reasonable rate to group insurance. The court may require the  
21 obligor either to provide health insurance coverage or to  
22 reimburse the obligee for the cost of health insurance  
23 coverage for the minor child when coverage is provided by the  
24 obligee. In either event, the court shall apportion the cost  
25 of coverage, and any noncovered medical, dental, and  
26 prescription medication expenses of the child, to both parties  
27 by adding the cost to the basic obligation determined pursuant  
28 to s. 61.30(7)~~(6)~~. The court may order that payment of  
29 noncovered ~~uncovered~~ medical, dental, and prescription  
30 medication expenses of the minor child be apportioned between  
31 the parents ~~made directly to the payee on a percentage basis.~~

1           1. A copy of the court order for insurance coverage  
2 shall be served on the obligor's payor or union by the obligee  
3 or the IV-D agency when the following conditions are met:

4           a. The obligor fails to provide written proof to the  
5 obligee or the IV-D agency within 30 days of receiving  
6 effective notice of the court order, that the insurance has  
7 been obtained or that application for insurability has been  
8 made;

9           b. The obligee or IV-D agency serves written notice of  
10 its intent to enforce medical support on the obligor by mail  
11 at the obligor's last known address; and

12           c. The obligor fails within 15 days after the mailing  
13 of the notice to provide written proof to the obligee or the  
14 IV-D agency that the insurance coverage existed as of the date  
15 of mailing.

16           2. In cases in which the noncustodial parent provides  
17 health care coverage and the noncustodial parent changes  
18 employment and the new employer provides health care coverage,  
19 the IV-D agency shall transfer notice of the provision to the  
20 employer, which notice shall operate to enroll the child in  
21 the noncustodial parent's health plan, unless the noncustodial  
22 parent contests the notice. Notice to enforce medical  
23 coverage under this section shall be served by the IV-D agency  
24 upon the obligor by mail at the obligor's last known address.  
25 The obligor shall have 15 days from the date of mailing of the  
26 notice to contest the notice with the IV-D agency.

27           3. Upon receipt of the order pursuant to subparagraph  
28 1. or the notice pursuant to subparagraph 2., or upon  
29 application of the obligor pursuant to the order, the payor,  
30 union, or employer shall enroll the minor child as a  
31 beneficiary in the group insurance plan and withhold any

1 required premium from the obligor's income. If more than one  
2 plan is offered by the payor, union, or employer, the child  
3 shall be enrolled in the insurance plan in which the obligor  
4 is enrolled.

5 4. The Department of Revenue shall have the authority  
6 to adopt rules to implement the child support enforcement  
7 provisions of this section.

8 (5) The court may make specific orders for the care  
9 and custody of the minor child as from the circumstances of  
10 the parties and the nature of the case is equitable and  
11 provide for child support in accordance with ~~the guidelines in~~  
12 s. 61.30. An award of shared parental responsibility of a  
13 minor child does not preclude the court from entering an order  
14 for child support of the child.

15 Section 3. Paragraph (a) of subsection (1) of section  
16 61.14, Florida Statutes, 1998 Supplement, is amended to read:

17 61.14 Enforcement and modification of support,  
18 maintenance, or alimony agreements or orders.--

19 (1)(a) When the parties enter into an agreement for  
20 payments for, or instead of, support, maintenance, or alimony,  
21 whether in connection with a proceeding for dissolution or  
22 separate maintenance or with any voluntary property  
23 settlement, or when a party is required by court order to make  
24 any payments, and the circumstances or the financial ability  
25 of either party changes or the child who is a beneficiary of  
26 an agreement or court order as described herein reaches  
27 majority after the execution of the agreement or the rendition  
28 of the order, either party may apply to the circuit court of  
29 the circuit in which the parties, or either of them, resided  
30 at the date of the execution of the agreement or reside at the  
31 date of the application, or in which the agreement was

1 | executed or in which the order was rendered, for an order  
2 | decreasing or increasing the amount of support, maintenance,  
3 | or alimony, and the court has jurisdiction to make orders as  
4 | equity requires, with due regard to the changed circumstances  
5 | or the financial ability of the parties or the child,  
6 | decreasing, increasing, or confirming the amount of separate  
7 | support, maintenance, or alimony provided for in the agreement  
8 | or order. A finding that medical insurance is reasonably  
9 | available or the application of the schedules ~~the child~~  
10 | ~~support guidelines~~ in s. 61.30 may constitute changed  
11 | circumstances.

12 |           Section 4. Subsection (12) of section 409.2564,  
13 | Florida Statutes, 1998 Supplement, is amended to read:

14 |           409.2564 Actions for support.--

15 |           (12) The Title IV-D agency shall review support orders  
16 | in IV-D cases at least every 3 years upon request by either  
17 | party, or the agency in cases where there is an assignment of  
18 | support to the state under s. 414.095(8), and may seek  
19 | adjustment of the order if appropriate under ~~the guidelines~~  
20 | ~~established in~~ s. 61.30. Not less than once every 3 years the  
21 | IV-D agency shall provide notice to the parties subject to the  
22 | order informing them of their right to request a review and,  
23 | if appropriate, an adjustment of the support order. Said  
24 | notice requirement may be met by including appropriate  
25 | language in the initial support order or any subsequent  
26 | orders.

27 |           Section 5. Paragraph (d) of subsection (3) of section  
28 | 741.0306, Florida Statutes, 1998 Supplement, is amended to  
29 | read:

30 |           741.0306 Creation of a family law handbook.--

31 |

1           (3) The information contained in the handbook or other  
2 electronic media presentation may be reviewed and updated  
3 annually, and may include, but need not be limited to:

4           (d) Child support for minor children; both parents are  
5 obligated for support in accordance with applicable provisions  
6 of s. 61.30 ~~child support guidelines~~.

7           Section 6. Subsection (4) of section 794.05, Florida  
8 Statutes, is amended to read:

9           794.05 Unlawful sexual activity with certain minors.--

10           (4) If an offense under this section directly results  
11 in the victim giving birth to a child, paternity of that child  
12 shall be established as described in chapter 742. If it is  
13 determined that the offender is the father of the child, the  
14 offender must pay child support as provided in s. 61.30  
15 ~~pursuant to the child support guidelines described in chapter~~  
16 ~~61.~~

17           Section 7. Child Support Study Commission.--

18           (1) There is hereby created the Child Support Study  
19 Commission consisting of 18 members. The members shall be  
20 appointed as follows: the Governor shall appoint five members,  
21 one whom is a representative of the Department of Revenue, one  
22 of whom is a representative of the Work and Gain Economic  
23 Self-sufficiency (WAGES) Program, and one of whom is a member  
24 of the public; the President of the Senate shall appoint three  
25 members, one of whom is a member of the public and one of whom  
26 is a representative of the Commission on Responsible  
27 Fatherhood; the Speaker of the House of Representatives shall  
28 appoint three members, one of whom is a member of the public  
29 and one of whom represents the interests of custodial parents;  
30 the Chief Justice of the Supreme Court shall appoint five  
31

1 members; and the President of The Florida Bar shall appoint  
2 two members from its Family Law Section.

3 (2) The members of the commission shall be reimbursed  
4 for all necessary expenses in the performance of their duties,  
5 including travel expenses, in accordance with s. 112.061,  
6 Florida Statutes.

7 (3) The commission shall be appointed no later than  
8 July 15, 1999, and shall continue in existence until its  
9 duties are concluded, but no later than June 30, 2001. A  
10 chairperson shall be elected by majority vote of the members  
11 of the commission.

12 (4) The Office of the State Courts Administrator shall  
13 supply such information, assistance, and facilities as are  
14 deemed necessary for the commission to carry out its duties  
15 under this section and shall provide such staff assistance as  
16 is necessary for the performance of the required clerical and  
17 administrative functions of the commission.

18 (5) The commission shall analyze and make findings and  
19 recommendations regarding:

20 (a) The advisability of continuing with the current  
21 income-share concept based on an in-depth review of our  
22 current system of child support, and of the estimates and  
23 assumptions made at the time of its creation as compared to  
24 current realities. In pursuit of this endeavor the commission  
25 may, if feasible, consult with competent, nationally  
26 recognized child support experts and may compare the current  
27 system with other approaches used in other jurisdictions;

28 (b) The possibility of consolidating various child  
29 support statutes, including, but not limited to, dissolution  
30 of marriage, paternity, support unconnected with dissolution,  
31

1 and dependency, into one general section in chapter 61,  
2 Florida Statutes; and

3 (c) Statutory changes that will clarify and simplify  
4 the substance of chapter 61, Florida Statutes, and its  
5 procedures; provide for the application of the same procedures  
6 to various types of cases; streamline the court process as it  
7 relates to support and related issues; provide new and  
8 innovative incentives for obligors to pay support, and  
9 enforcement remedies for failure to pay; expedite the  
10 enforcement of final judgments by providing immediate  
11 consequences for failure to comply with conditions of a court  
12 order; consider the special circumstances of child support  
13 cases involving multiple families; and any other changes  
14 deemed necessary to improve the administration of the child  
15 support provisions of Florida law.

16 (6) The commission shall prepare and submit to the  
17 Governor, the President of the Senate, the Speaker of the  
18 House of Representatives, and the Chief Justice of the Supreme  
19 Court, by November 15, 2000, a report detailing its findings  
20 and making specific legislative recommendations, including  
21 proposed legislation, and any other recommendations it deems  
22 appropriate.

23 Section 8. There is hereby appropriated to the Office  
24 of the State Courts Administrator the sum of \$250,000 to fund  
25 the Child Support Study Commission.

26 Section 9. This act shall take effect July 1, 1999.  
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LEGISLATIVE SUMMARY

Revises provisions relating to determination, apportionment, and adjustment of parents' child support obligations. Provides definitions. Revises factors that allow the court to order child support payments that deviate from the scheduled amounts. Revises provisions that allow the court to adjust the child support obligation based on a change in circumstances. Provides the same change-in-circumstances requirements for Title IV-D cases as for non-Title IV-D cases. Provides a presumption relating to an adult parent's ability to work. Revises provisions that provide responsibility for health insurance costs and noncovered medical and dental expenses. Requires legislative review of the child support system to include an economist's review of the child support obligation schedules. Requires the court to review and approve a child support obligation arrived at through a settlement agreement. Creates the Child Support Study Commission to analyze and make recommendations regarding the current child support system and statutes related thereto. Provides for administrative support and assistance by the Office of the State Courts Administrator. Requires a report to the Governor, Legislature, and Chief Justice of the Supreme Court by November 15, 2000. Provides an appropriation.