

By the Committees on Judiciary; Children and Families; and
 Senator Mitchell

308-1978-99

1 A bill to be entitled
 2 An act relating to child support; amending s.
 3 61.046, F.S.; defining the term "rotating
 4 custody" for purposes of ch. 61, F.S.; amending
 5 s. 61.30, F.S.; providing definitions; revising
 6 requirements for determination and adjustment
 7 of a child support obligation; revising factors
 8 to be considered in justifying deviations;
 9 providing a presumption regarding an adult
 10 parent's ability to work; revising allowable
 11 deductions from gross income; providing
 12 deduction for direct payment, rather than
 13 prepayment, of child care costs; providing
 14 responsibility for health insurance costs and
 15 noncovered medical costs; requiring court
 16 review of a child support obligation arrived at
 17 through a settlement agreement; amending ss.
 18 61.13, 61.14, 409.2564, 741.0306, and 794.05,
 19 F.S.; conforming provisions and references;
 20 creating the Child Support Study Commission;
 21 providing membership; providing for
 22 administrative support and assistance by the
 23 Office of the State Courts Administrator;
 24 providing duties of the commission; requiring a
 25 report; providing an appropriation; providing
 26 an effective date.

28 Be It Enacted by the Legislature of the State of Florida:

30 Section 1. Present subsections (14), (15), (16), (17),
 31 and (18) of section 61.046, Florida Statutes, 1998 Supplement,

1 are redesignated as subsections (15), (16), (17), (18), and
2 (19), respectively, and a new subsection (14) is added to that
3 section, to read:

4 61.046 Definitions.--As used in this chapter:

5 (14) "Rotating custody" means a shared parental
6 responsibility arrangement that alternates the designation of
7 the primary residential parent at regular intervals of
8 essentially equal duration.

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

11 61.30 Child support guidelines; retroactive child
12 support.--

13 (1) As used in this section, the following terms have
14 the following meanings:

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

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

21 (c) "Parent's presumed child support guideline amount"
22 means the amount derived from apportioning the combined
23 presumed child support amount between the parents as provided
24 in subsections (10) and (11).

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

27 (2)(1)(a) A parent's presumed ~~The~~ child support
28 guideline amount as determined by this section presumptively
29 establishes the amount the trier of fact shall order as child
30 support in an initial proceeding for such support or in a
31 proceeding for modification of an existing order for such

1 support, whether the proceeding arises under this or another
2 chapter. The trier of fact may order payment of child support
3 which varies, plus or minus 5 percent, from the parent's
4 presumed child support guideline amount, after considering all
5 the factors in subsection (12)~~relevant factors, including the~~
6 ~~needs of the child or children, age, station in life, standard~~
7 ~~of living, and the financial status and ability of each~~
8 ~~parent.~~ The trier of fact may order payment of child support
9 in an amount which varies more than 5 percent from a parent's
10 presumed child support ~~such guideline~~ amount only upon a
11 written finding explaining why ordering payment of such
12 guideline amount would be unjust or inappropriate.

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

23 (c) In Title IV-D cases reviewed pursuant to the
24 3-year review and adjustment cycle, no change of circumstance
25 need be proven to warrant a modification.

26 (3)~~(2)~~ Income shall be determined on a monthly basis
27 for the obligor and for the obligee as follows:

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

30 1. Salary or wages.

31

1 2. Bonuses, commissions, allowances, overtime, tips,
2 and other similar payments.

3 3. Business income from sources such as
4 self-employment, partnership, close corporations, and
5 independent contracts. "Business income" means gross receipts
6 minus ordinary and necessary expenses required to produce
7 income.

8 4. Disability benefits.

9 5. Worker's compensation.

10 6. Unemployment compensation.

11 7. Pension, retirement, or annuity payments.

12 8. Social security benefits.

13 9. Spousal support received from a previous marriage
14 or court ordered in the marriage before the court.

15 10. Interest and dividends.

16 11. Rental income, which is gross receipts minus
17 ordinary and necessary expenses required to produce the
18 income.

19 12. Income from royalties, trusts, or estates.

20 13. Reimbursed expenses or in kind payments to the
21 extent that they reduce living expenses.

22 14. Gains derived from dealings in property, unless
23 the gain is nonrecurring.

24 (b) It is presumed that an adult parent who is not
25 prevented from working because of a disability and who is
26 legally present in the United States has the present ability
27 to earn income of at least the minimum wage for 35 hours
28 weekly. Income on a monthly basis shall be imputed to an
29 unemployed or underemployed parent when such employment or
30 underemployment is found to be voluntary on that parent's
31 part, absent physical or mental incapacity or other

1 circumstances over which the parent has no control. In the
2 event of such voluntary unemployment or underemployment, the
3 employment potential and probable earnings level of the parent
4 shall be determined based upon his or her recent work history,
5 occupational qualifications, and prevailing earnings level in
6 the community; however, the court may refuse to impute income
7 to a primary residential parent if the court finds it
8 necessary for the parent to stay home with the child.

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

11 (4)~~(3)~~ Allowable deductions from gross income shall
12 include:

13 (a) Federal, state, and local income tax deductions,
14 adjusted for actual filing status after the judgment is
15 entered ~~and allowable dependents and income tax liabilities.~~
16 Amounts withheld that exceed those required to pay the taxes
17 owed shall not be deducted from gross income.

18 (b) Federal insurance contributions or self-employment
19 tax.

20 (c) Mandatory union dues.

21 (d) Mandatory retirement payments.

22 (e) Health insurance payments, excluding payments for
23 coverage of the minor child.

24 (f) Court-ordered support for other children which is
25 actually paid.

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

28 (5)~~(4)~~ Net income for the obligor and net income for
29 the obligee shall be computed by subtracting allowable
30 deductions from gross income.

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1	1700.00	380	591	740	833	907	971
2	1750.00	390	606	759	855	931	996
3	1800.00	400	622	779	877	955	1022
4	1850.00	410	638	798	900	979	1048
5	1900.00	421	654	818	923	1004	1074
6	1950.00	431	670	839	946	1029	1101
7	2000.00	442	686	859	968	1054	1128
8	2050.00	452	702	879	991	1079	1154
9	2100.00	463	718	899	1014	1104	1181
10	2150.00	473	734	919	1037	1129	1207
11	2200.00	484	751	940	1060	1154	1234
12	2250.00	494	767	960	1082	1179	1261
13	2300.00	505	783	980	1105	1204	1287
14	2350.00	515	799	1000	1128	1229	1314
15	2400.00	526	815	1020	1151	1254	1340
16	2450.00	536	831	1041	1174	1279	1367
17	2500.00	547	847	1061	1196	1304	1394
18	2550.00	557	864	1081	1219	1329	1420
19	2600.00	568	880	1101	1242	1354	1447
20	2650.00	578	896	1121	1265	1379	1473
21	2700.00	588	912	1141	1287	1403	1500
22	2750.00	597	927	1160	1308	1426	1524
23	2800.00	607	941	1178	1328	1448	1549
24	2850.00	616	956	1197	1349	1471	1573
25	2900.00	626	971	1215	1370	1494	1598
26	2950.00	635	986	1234	1391	1517	1622
27	3000.00	644	1001	1252	1412	1540	1647
28	3050.00	654	1016	1271	1433	1563	1671
29	3100.00	663	1031	1289	1453	1586	1695
30	3150.00	673	1045	1308	1474	1608	1720
31	3200.00	682	1060	1327	1495	1631	1744

1	3250.00	691	1075	1345	1516	1654	1769
2	3300.00	701	1090	1364	1537	1677	1793
3	3350.00	710	1105	1382	1558	1700	1818
4	3400.00	720	1120	1401	1579	1723	1842
5	3450.00	729	1135	1419	1599	1745	1867
6	3500.00	738	1149	1438	1620	1768	1891
7	3550.00	748	1164	1456	1641	1791	1915
8	3600.00	757	1179	1475	1662	1814	1940
9	3650.00	767	1194	1493	1683	1837	1964
10	3700.00	776	1208	1503	1702	1857	1987
11	3750.00	784	1221	1520	1721	1878	2009
12	3800.00	793	1234	1536	1740	1899	2031
13	3850.00	802	1248	1553	1759	1920	2053
14	3900.00	811	1261	1570	1778	1940	2075
15	3950.00	819	1275	1587	1797	1961	2097
16	4000.00	828	1288	1603	1816	1982	2119
17	4050.00	837	1302	1620	1835	2002	2141
18	4100.00	846	1315	1637	1854	2023	2163
19	4150.00	854	1329	1654	1873	2044	2185
20	4200.00	863	1342	1670	1892	2064	2207
21	4250.00	872	1355	1687	1911	2085	2229
22	4300.00	881	1369	1704	1930	2106	2251
23	4350.00	889	1382	1721	1949	2127	2273
24	4400.00	898	1396	1737	1968	2147	2295
25	4450.00	907	1409	1754	1987	2168	2317
26	4500.00	916	1423	1771	2006	2189	2339
27	4550.00	924	1436	1788	2024	2209	2361
28	4600.00	933	1450	1804	2043	2230	2384
29	4650.00	942	1463	1821	2062	2251	2406
30	4700.00	951	1477	1838	2081	2271	2428
31	4750.00	959	1490	1855	2100	2292	2450

1	4800.00	968	1503	1871	2119	2313	2472
2	4850.00	977	1517	1888	2138	2334	2494
3	4900.00	986	1530	1905	2157	2354	2516
4	4950.00	993	1542	1927	2174	2372	2535
5	5000.00	1000	1551	1939	2188	2387	2551
6	5050.00	1006	1561	1952	2202	2402	2567
7	5100.00	1013	1571	1964	2215	2417	2583
8	5150.00	1019	1580	1976	2229	2432	2599
9	5200.00	1025	1590	1988	2243	2447	2615
10	5250.00	1032	1599	2000	2256	2462	2631
11	5300.00	1038	1609	2012	2270	2477	2647
12	5350.00	1045	1619	2024	2283	2492	2663
13	5400.00	1051	1628	2037	2297	2507	2679
14	5450.00	1057	1638	2049	2311	2522	2695
15	5500.00	1064	1647	2061	2324	2537	2711
16	5550.00	1070	1657	2073	2338	2552	2727
17	5600.00	1077	1667	2085	2352	2567	2743
18	5650.00	1083	1676	2097	2365	2582	2759
19	5700.00	1089	1686	2109	2379	2597	2775
20	5750.00	1096	1695	2122	2393	2612	2791
21	5800.00	1102	1705	2134	2406	2627	2807
22	5850.00	1107	1713	2144	2418	2639	2820
23	5900.00	1111	1721	2155	2429	2651	2833
24	5950.00	1116	1729	2165	2440	2663	2847
25	6000.00	1121	1737	2175	2451	2676	2860
26	6050.00	1126	1746	2185	2462	2688	2874
27	6100.00	1131	1754	2196	2473	2700	2887
28	6150.00	1136	1762	2206	2484	2712	2900
29	6200.00	1141	1770	2216	2495	2724	2914
30	6250.00	1145	1778	2227	2506	2737	2927
31	6300.00	1150	1786	2237	2517	2749	2941

1	6350.00	1155	1795	2247	2529	2761	2954
2	6400.00	1160	1803	2258	2540	2773	2967
3	6450.00	1165	1811	2268	2551	2785	2981
4	6500.00	1170	1819	2278	2562	2798	2994
5	6550.00	1175	1827	2288	2573	2810	3008
6	6600.00	1179	1835	2299	2584	2822	3021
7	6650.00	1184	1843	2309	2595	2834	3034
8	6700.00	1189	1850	2317	2604	2845	3045
9	6750.00	1193	1856	2325	2613	2854	3055
10	6800.00	1196	1862	2332	2621	2863	3064
11	6850.00	1200	1868	2340	2630	2872	3074
12	6900.00	1204	1873	2347	2639	2882	3084
13	6950.00	1208	1879	2355	2647	2891	3094
14	7000.00	1212	1885	2362	2656	2900	3103
15	7050.00	1216	1891	2370	2664	2909	3113
16	7100.00	1220	1897	2378	2673	2919	3123
17	7150.00	1224	1903	2385	2681	2928	3133
18	7200.00	1228	1909	2393	2690	2937	3142
19	7250.00	1232	1915	2400	2698	2946	3152
20	7300.00	1235	1921	2408	2707	2956	3162
21	7350.00	1239	1927	2415	2716	2965	3172
22	7400.00	1243	1933	2423	2724	2974	3181
23	7450.00	1247	1939	2430	2733	2983	3191
24	7500.00	1251	1945	2438	2741	2993	3201
25	7550.00	1255	1951	2446	2750	3002	3211
26	7600.00	1259	1957	2453	2758	3011	3220
27	7650.00	1263	1963	2461	2767	3020	3230
28	7700.00	1267	1969	2468	2775	3030	3240
29	7750.00	1271	1975	2476	2784	3039	3250
30	7800.00	1274	1981	2483	2792	3048	3259
31	7850.00	1278	1987	2491	2801	3057	3269

1	7900.00	1282	1992	2498	2810	3067	3279
2	7950.00	1286	1998	2506	2818	3076	3289
3	8000.00	1290	2004	2513	2827	3085	3298
4	8050.00	1294	2010	2521	2835	3094	3308
5	8100.00	1298	2016	2529	2844	3104	3318
6	8150.00	1302	2022	2536	2852	3113	3328
7	8200.00	1306	2028	2544	2861	3122	3337
8	8250.00	1310	2034	2551	2869	3131	3347
9	8300.00	1313	2040	2559	2878	3141	3357
10	8350.00	1317	2046	2566	2887	3150	3367
11	8400.00	1321	2052	2574	2895	3159	3376
12	8450.00	1325	2058	2581	2904	3168	3386
13	8500.00	1329	2064	2589	2912	3178	3396
14	8550.00	1333	2070	2597	2921	3187	3406
15	8600.00	1337	2076	2604	2929	3196	3415
16	8650.00	1341	2082	2612	2938	3205	3425
17	8700.00	1345	2088	2619	2946	3215	3435
18	8750.00	1349	2094	2627	2955	3224	3445
19	8800.00	1352	2100	2634	2963	3233	3454
20	8850.00	1356	2106	2642	2972	3242	3464
21	8900.00	1360	2111	2649	2981	3252	3474
22	8950.00	1364	2117	2657	2989	3261	3484
23	9000.00	1368	2123	2664	2998	3270	3493
24	9050.00	1372	2129	2672	3006	3279	3503
25	9100.00	1376	2135	2680	3015	3289	3513
26	9150.00	1380	2141	2687	3023	3298	3523
27	9200.00	1384	2147	2695	3032	3307	3532
28	9250.00	1388	2153	2702	3040	3316	3542
29	9300.00	1391	2159	2710	3049	3326	3552
30	9350.00	1395	2165	2717	3058	3335	3562
31	9400.00	1399	2171	2725	3066	3344	3571

1	9450.00	1403	2177	2732	3075	3353	3581
2	9500.00	1407	2183	2740	3083	3363	3591
3	9550.00	1411	2189	2748	3092	3372	3601
4	9600.00	1415	2195	2755	3100	3381	3610
5	9650.00	1419	2201	2763	3109	3390	3620
6	9700.00	1422	2206	2767	3115	3396	3628
7	9750.00	1425	2210	2772	3121	3402	3634
8	9800.00	1427	2213	2776	3126	3408	3641
9	9850.00	1430	2217	2781	3132	3414	3647
10	9900.00	1432	2221	2786	3137	3420	3653
11	9950.00	1435	2225	2791	3143	3426	3659
12	10000.00	1437	2228	2795	3148	3432	3666

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

24

25

Child or Children

26

27

One	Two	Three	Four	Five	Six
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5.0%	7.5%	9.5%	11.0%	12.0%	12.5%
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1 ~~(8)(7)~~ Child care costs incurred on behalf of the
2 children due to employment, job search, or education
3 calculated to result in employment or to enhance income of
4 current employment of either parent shall be reduced by 25
5 percent and then shall be added to the basic obligation of the
6 parents. After the adjusted child care costs are added to the
7 basic obligation of the parents, any direct payments made
8 ~~moneys prepaid~~ by the noncustodial parent for child care costs
9 for the child or children of this action shall be deducted
10 from that noncustodial parent's presumed child support amount
11 ~~obligation~~ for that child or those children. Child care costs
12 shall not exceed the level required to provide quality care
13 from a licensed source for the children.

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

1 (10)~~(9)~~ Each parent's percentage share of the combined
2 presumed child support amount need shall be determined by
3 dividing each parent's net income by the combined net income.

4 (11)~~(10)~~ Each parent's actual dollar share of the
5 combined presumed child support amount need shall be
6 determined by multiplying the combined presumed ~~minimum~~ child
7 support amount need by each parent's percentage share.

8 (12)~~(11)~~ The court may adjust the combined presumed
9 ~~minimum~~ child support amount award, or the presumed child
10 support amount for either or both parents ~~parent's share of~~
11 ~~the minimum child support award~~, based upon the following
12 considerations:

13 (a) Extraordinary medical, psychological, educational,
14 or dental expenses.

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

17 (c) The payment of support for a parent which
18 regularly has been paid and for which there is a demonstrated
19 need.

20 (d) Seasonal variations in one or both parents'
21 incomes or expenses.

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

24 (f) Special needs, such as costs that may be
25 associated with the disability of a child, that have
26 traditionally been met within the family budget even though
27 the fulfilling of those needs will cause the support to exceed
28 the parent's presumed child support amount ~~proposed~~
29 guidelines.

30 (g) The particular shared parental arrangement, such
31 as where the children spend a substantial amount of their time

1 with the secondary residential parent thereby reducing the
2 financial expenditures incurred by the primary residential
3 parent, or the refusal of the secondary residential parent to
4 become involved in the activities of the child, or giving due
5 consideration to the primary residential parent's homemaking
6 services. The schedules provided in subsection (7) were
7 developed considering factors such as the cost of raising a
8 child in an intact family. If a child has visitation with a
9 noncustodial parent for more than 28 consecutive days the
10 court may reduce the amount of support paid to the custodial
11 parent during the time of visitation not to exceed 50 percent
12 of the amount awarded.

13 (h) Total available assets of the obligee, obligor,
14 and the child.

15 (i) The impact of the Internal Revenue Service
16 dependency exemption and waiver of that exemption. The court
17 may order the primary residential parent to execute a waiver
18 of the Internal Revenue Service dependency exemption if the
19 noncustodial parent is current in support payments.

20 (j) When a parent's presumed child support amount
21 ~~application of the child support guidelines~~ requires a person
22 to pay another person more than 55 percent of his or her gross
23 income for a child support obligation for current support
24 resulting from a single support order.

25 (k) When a parent's income is below the federal
26 poverty guidelines and the parent's presumed child support
27 amount requires a person to pay another person more than 50
28 percent of his or her net income for a child support
29 obligation for current support when there is a single support
30 order.

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1 (l) When a parent's income is below the federal
2 poverty guidelines and the parent's presumed child support
3 amount requires a person to pay another person more than 40
4 percent of his or her net income for a child support
5 obligation for current support when there are multiple support
6 obligations.

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

10 (n)(k) Any other adjustment which is needed to achieve
11 an equitable result which may include, but not be limited to,
12 a reasonable and necessary existing expense or debt. Such
13 expense or debt may include, but is not limited to, a
14 reasonable and necessary expense or debt which the parties
15 jointly incurred during the marriage.

16 (13)(i2) A parent with a support obligation may have
17 other children living with him or her who were born or adopted
18 after the support obligation arose. The existence of such
19 subsequent children should not as a general rule be considered
20 by the court as a basis for disregarding the parent's presumed
21 child support amount ~~provided in the guidelines~~. The parent
22 with a support obligation for subsequent children may raise
23 the existence of such subsequent children as a justification
24 for deviation from the parent's presumed child support amount
25 ~~guidelines~~. However, if the existence of such subsequent
26 children is raised, the income of the other parent of the
27 subsequent children shall be considered by the court in
28 determining whether or not there is a basis for deviation from
29 the parent's presumed child support guideline amount. The
30 issue of subsequent children may only be raised in a
31

1 proceeding for an upward modification of an existing award and
2 may not be applied to justify a decrease in an existing award.

3 (14)~~(13)~~ If the recurring income is not sufficient to
4 meet the needs of the child, the court may order child support
5 to be paid from nonrecurring income or assets.

6 (15)~~(14)~~ Every petition for child support or for
7 modification of child support shall be accompanied by an
8 affidavit which shows the party's income, allowable
9 deductions, and net income computed in accordance with this
10 section. The affidavit shall be served at the same time that
11 the petition is served. The respondent, whether or not a
12 stipulation is entered, shall make an affidavit which shows
13 the party's income, allowable deductions, and net income
14 computed in accordance with this section. The respondent
15 shall include his or her affidavit with the answer to the
16 petition or as soon thereafter as is practicable, but in any
17 case at least 72 hours prior to any hearing on the finances of
18 either party.

19 (16)~~(15)~~ For purposes of establishing an obligation
20 for support in accordance with this section, if a person who
21 is receiving public assistance is found to be noncooperative
22 as defined in s. 409.2572, the IV-D agency is authorized to
23 submit to the court an affidavit attesting to the income of
24 the custodial parent based upon information available to the
25 IV-D agency.

26 (17)~~(16)~~ The Legislature shall review the provisions
27 ~~of guidelines established in~~ this section at least every 4
28 years beginning in 1997.

29 (18)~~(17)~~ In an initial determination of child support
30 in either a Title IV-D case or non-Title IV-D case, whether in
31 a paternity action, dissolution of marriage action, or

1 petition for support during the marriage, the court has
2 discretion to award child support retroactive to the date when
3 the parents did not reside together in the same household with
4 the child, not to exceed a period of 24 months preceding the
5 filing of the petition, regardless of whether that date
6 precedes the filing of the petition. In determining the
7 retroactive award in such cases, the court shall consider the
8 following:

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

17 (b) All actual payments made by the noncustodial
18 parent to the custodial parent or the child or third parties
19 for the benefit of the child throughout the proposed
20 retroactive period.

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

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

1 on the best interests of the child or children, the court
2 shall not approve the agreement of the parents.

3 Section 3. Paragraphs (a), (b), and (e) of subsection
4 (1) and subsection (5) of section 61.13, Florida Statutes,
5 1998 Supplement, are amended to read:

6 61.13 Custody and support of children; visitation
7 rights; power of court in making orders.--

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

26 (b) Each order for child support shall contain a
27 provision for health insurance for the minor child when the
28 insurance is reasonably available. Insurance is reasonably
29 available if either the obligor or obligee has access at a
30 reasonable rate to group insurance. The court may require the
31 obligor either to provide health insurance coverage or to

1 reimburse the obligee for the cost of health insurance
2 coverage for the minor child when coverage is provided by the
3 obligee. In either event, the court shall apportion the cost
4 of coverage, and any noncovered medical, dental, and
5 prescription medication expenses of the child, to both parties
6 by adding the cost to the basic obligation determined pursuant
7 to s. 61.30(7)~~(6)~~. The court may order that payment of
8 noncovered ~~uncovered~~ medical, dental, and prescription
9 medication expenses of the minor child be apportioned between
10 the parents ~~made directly to the payee on a percentage basis.~~

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

14 a. The obligor fails to provide written proof to the
15 obligee or the IV-D agency within 30 days of receiving
16 effective notice of the court order, that the insurance has
17 been obtained or that application for insurability has been
18 made;

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

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

26 2. In cases in which the noncustodial parent provides
27 health care coverage and the noncustodial parent changes
28 employment and the new employer provides health care coverage,
29 the IV-D agency shall transfer notice of the provision to the
30 employer, which notice shall operate to enroll the child in
31 the noncustodial parent's health plan, unless the noncustodial

1 parent contests the notice. Notice to enforce medical
2 coverage under this section shall be served by the IV-D agency
3 upon the obligor by mail at the obligor's last known address.
4 The obligor shall have 15 days from the date of mailing of the
5 notice to contest the notice with the IV-D agency.

6 3. Upon receipt of the order pursuant to subparagraph
7 1. or the notice pursuant to subparagraph 2., or upon
8 application of the obligor pursuant to the order, the payor,
9 union, or employer shall enroll the minor child as a
10 beneficiary in the group insurance plan and withhold any
11 required premium from the obligor's income. If more than one
12 plan is offered by the payor, union, or employer, the child
13 shall be enrolled in the insurance plan in which the obligor
14 is enrolled.

15 4. The Department of Revenue shall have the authority
16 to adopt rules to implement the child support enforcement
17 provisions of this section.

18 (e) In a judicial circuit with a work experience and
19 job training pilot project, if the obligor is unemployed or
20 has no income and does not have an account at a financial
21 institution, then the court shall order the obligor to seek
22 employment, if the obligor is able to engage in employment,
23 and to immediately notify the court upon obtaining employment,
24 upon obtaining any income, or upon obtaining any ownership of
25 any asset with a value of \$500 or more. If the obligor is
26 still unemployed 30 days after any order for support, the
27 court may order the obligor to enroll in the work experience,
28 job placement, and job training pilot program for noncustodial
29 parents as established in s. 414.38 ~~s. 409.2565~~, if the
30 obligor is eligible for entrance into the pilot program.

31

1 (5) The court may make specific orders for the care
2 and custody of the minor child as from the circumstances of
3 the parties and the nature of the case is equitable and
4 provide for child support in accordance with ~~the guidelines in~~
5 s. 61.30. An award of shared parental responsibility of a
6 minor child does not preclude the court from entering an order
7 for child support of the child.

8 Section 4. Paragraph (a) of subsection (1) of section
9 61.14, Florida Statutes, 1998 Supplement, is amended to read:

10 61.14 Enforcement and modification of support,
11 maintenance, or alimony agreements or orders.--

12 (1)(a) When the parties enter into an agreement for
13 payments for, or instead of, support, maintenance, or alimony,
14 whether in connection with a proceeding for dissolution or
15 separate maintenance or with any voluntary property
16 settlement, or when a party is required by court order to make
17 any payments, and the circumstances or the financial ability
18 of either party changes or the child who is a beneficiary of
19 an agreement or court order as described herein reaches
20 majority after the execution of the agreement or the rendition
21 of the order, either party may apply to the circuit court of
22 the circuit in which the parties, or either of them, resided
23 at the date of the execution of the agreement or reside at the
24 date of the application, or in which the agreement was
25 executed or in which the order was rendered, for an order
26 decreasing or increasing the amount of support, maintenance,
27 or alimony, and the court has jurisdiction to make orders as
28 equity requires, with due regard to the changed circumstances
29 or the financial ability of the parties or the child,
30 decreasing, increasing, or confirming the amount of separate
31 support, maintenance, or alimony provided for in the agreement

1 or order. A finding that medical insurance is reasonably
2 available or the guideline amount ~~the child support guidelines~~
3 in s. 61.30 may constitute changed circumstances.

4 Section 5. Subsection (12) of section 409.2564,
5 Florida Statutes, 1998 Supplement, is amended to read:

6 409.2564 Actions for support.--

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

19 Section 6. Paragraph (d) of subsection (3) of section
20 741.0306, Florida Statutes, 1998 Supplement, is amended to
21 read:

22 741.0306 Creation of a family law handbook.--

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

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

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

31 794.05 Unlawful sexual activity with certain minors.--

1 (4) If an offense under this section directly results
2 in the victim giving birth to a child, paternity of that child
3 shall be established as described in chapter 742. If it is
4 determined that the offender is the father of the child, the
5 offender must pay child support as provided in s. 61.30
6 ~~pursuant to the child support guidelines described in chapter~~
7 ~~61.~~

8 Section 8. Child Support Study Commission.--

9 (1) There is hereby created the Child Support Study
10 Commission consisting of 19 members. The members shall be
11 appointed as follows: the Governor shall appoint five members,
12 one of whom is a representative of the Department of Revenue,
13 one of whom is a representative of the Work and Gain Economic
14 Self-sufficiency (WAGES) Program, one of whom is a licensed
15 psychologist with expertise in child development and the
16 effects of divorce on children and families, and one of whom
17 is a member of the public; the President of the Senate shall
18 appoint three members, one of whom is a member of the public
19 and one of whom is a representative of the Commission on
20 Responsible Fatherhood; the Speaker of the House of
21 Representatives shall appoint three members, one of whom is a
22 member of the public and one of whom represents the interests
23 of custodial parents; the Chief Justice of the Supreme Court
24 shall appoint five members; the Attorney General shall appoint
25 one member; and the President of The Florida Bar shall appoint
26 two members from its Family Law Section.

27 (2) The members of the commission shall be reimbursed
28 for all necessary expenses in the performance of their duties,
29 including travel expenses, in accordance with s. 112.061,
30 Florida Statutes.

31

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

6 (4) The Office of the State Courts Administrator shall
7 supply such information, assistance, and facilities as are
8 deemed necessary for the commission to carry out its duties
9 under this section and shall provide such staff assistance as
10 is necessary for the performance of the required clerical and
11 administrative functions of the commission.

12 (5) The commission shall analyze and make findings and
13 recommendations regarding:

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

23 (b) The possibility of consolidating various child
24 support statutes, including, but not limited to, dissolution
25 of marriage, paternity, support unconnected with dissolution,
26 and dependency, into one general section in chapter 61,
27 Florida Statutes; and

28 (c) Statutory changes that will clarify and simplify
29 the substance of chapter 61, Florida Statutes, and its
30 procedures; provide for the application of the same procedures
31 to various types of cases; streamline the court process as it

1 relates to support and related issues; provide new and
2 innovative incentives for obligors to pay support, and
3 enforcement remedies for failure to pay; expedite the
4 enforcement of final judgments by providing immediate
5 consequences for failure to comply with conditions of a court
6 order; consider the special circumstances of child support
7 cases involving multiple families; and any other changes
8 deemed necessary to improve the administration of the child
9 support provisions of Florida law.

10 (d) Statutory changes concerning custody, visitation,
11 and child support determinations which reflect the
12 developmental needs of the child.

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

20 Section 9. There is appropriated to the Office of the
21 State Courts Administrator the sum of \$175,000 from the Family
22 Courts Trust Fund and one full-time-equivalent position for
23 fiscal year 1999-2000 to fund the Child Support Study
24 Commission. In the event that a similar appropriation for this
25 purpose is provided from recurring general revenue in the
26 General Appropriations Act, this section is repealed.

27 Section 10. This act shall take effect July 1, 1999.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 1470
4 Re-inserts the term "guidelines" when referencing child
5 support.
6 Reinstates existing law regarding 3-year review of child
7 support orders for modification in Title IV-D cases.
8 Revises membership of the Child Support Study Commission to
9 include a member appointed by the Attorney General, and to
10 require that one of the members appointed by the Governor be a
11 licensed psychologist who specializes in child development and
12 the effects of divorce.
13 Makes technical and conforming changes.
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