

By the Committee on Family Law & Children and  
Representatives Roberts, Effman, Brown, Wallace and Crow

1                                   A bill to be entitled  
2           An act relating to child support; amending s.  
3           61.13, F.S.; clarifying parents' rights of  
4           access to certain information relating to a  
5           child; conforming provisions relating to the  
6           child support obligation; amending s. 61.14,  
7           F.S.; providing for retroactive modification of  
8           certain support orders; revising the amount of  
9           delinquent child support which triggers a  
10          notice to the obligor; amending s. 61.181,  
11          F.S.; clarifying provisions relating to  
12          electronic transfer of child support funds;  
13          creating ch. 62, F.S., entitled "Child Support  
14          Guidelines"; creating s. 62.101, F.S.;  
15          providing legislative findings and intent;  
16          creating s. 62.102, F.S.; providing  
17          definitions; creating s. 62.201, F.S.;  
18          providing purposes of adoption of uniform child  
19          support guidelines; creating s. 62.202, F.S.;  
20          providing underlying principles of the child  
21          support guidelines; creating s. 62.203, F.S.;  
22          providing that the guidelines create a  
23          rebuttable presumption of the adequacy and  
24          reasonableness of child support orders;  
25          creating s. 62.204, F.S.; providing for  
26          apportionment of child support; creating s.  
27          62.205, F.S.; providing economic principles of  
28          the child support guidelines; creating s.  
29          62.301, F.S.; providing for determination of  
30          gross income; providing exclusions; creating s.  
31          62.302, F.S.; providing for determination of

1 net income; providing allowable deductions from  
2 gross income; creating s. 62.303, F.S.;  
3 providing for documentation of income; creating  
4 s. 62.304, F.S.; providing the child support  
5 guidelines schedule; providing for  
6 determination of the basic child support  
7 obligation; creating s. 62.401, F.S.; providing  
8 expenses to be added to the basic child support  
9 obligation; providing for child care related to  
10 employment or education; providing for health  
11 insurance for the child and unreimbursed health  
12 care expenses for the child; creating s.  
13 62.402, F.S.; providing for deviations from the  
14 aggregate child support obligation; providing  
15 deviations for ordinary and extraordinary  
16 expenses for elementary or secondary education,  
17 and for parenting time, shared parenting, and  
18 split custody or split parenting; providing for  
19 the age of the child and for federal income tax  
20 exemptions; providing deviations for low-income  
21 and high-income parents; providing additional  
22 factors that may require a deviation; providing  
23 factors not to be used for deviation; creating  
24 s. 62.403, F.S.; providing procedures regarding  
25 prior orders for child support; creating s.  
26 62.404, F.S.; providing procedures regarding  
27 support for subsequent families; creating s.  
28 62.405, F.S.; providing for determination of  
29 the child support obligations; creating s.  
30 62.406, F.S.; providing for court review of  
31 settlement agreements between the parents;

1           creating s. 62.501, F.S.; providing for  
2           modification of an existing support order;  
3           creating s. 62.502, F.S.; providing for  
4           retroactive child support; creating s. 62.503,  
5           F.S.; providing accountability of the obligee  
6           for child support received; creating s. 62.504,  
7           F.S.; providing procedure for establishing the  
8           child support obligation of certain persons  
9           receiving public assistance; creating s.  
10          62.601, F.S.; providing for emancipation and  
11          termination of child support; providing for  
12          continuation of child support for a child  
13          completing secondary education or a disabled  
14          child; providing for continuation of delinquent  
15          child support payments beyond emancipation;  
16          providing for award of postsecondary education  
17          expenses; creating s. 62.701, F.S.; providing  
18          for legislative review of the child support  
19          guidelines; amending ss. 39.402, 39.508,  
20          409.2564, 414.38, and 742.031, F.S.; correcting  
21          cross references; amending s. 743.07, F.S.;  
22          conforming provisions relating to support of a  
23          person in school beyond age 18; requiring a  
24          report; repealing s. 61.30, F.S., relating to  
25          child support guidelines; providing an  
26          effective date.

27  
28       Be It Enacted by the Legislature of the State of Florida:  
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30  
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1 Section 1. Paragraphs (a), (b), and (e) of subsection  
2 (1), paragraph (b) of subsection (2), and subsection (5) of  
3 section 61.13, Florida Statutes, are amended to read:

4 61.13 Custody and support of children; visitation  
5 rights; power of court in making orders.--

6 (1)(a) In a proceeding for dissolution of marriage,  
7 the court may at any time order either or both parents who owe  
8 a duty of support to a child to pay support in accordance with  
9 the child support guidelines in chapter 62 s. 61.30. The  
10 court initially entering an order requiring one or both  
11 parents to make child support payments shall have continuing  
12 jurisdiction after the entry of the initial order to modify  
13 the amount and terms and conditions of the child support  
14 payments when the modification is found necessary by the court  
15 in the best interests of the child, when the child reaches  
16 majority, or when there is a substantial change in the  
17 circumstances of the parties. The court initially entering a  
18 child support order shall also have continuing jurisdiction to  
19 require the obligee to report to the court on terms prescribed  
20 by the court regarding the disposition of the child support  
21 payments, pursuant to s. 62.503.

22 (b) Each order for child support shall contain a  
23 provision for health insurance for the ~~minor~~ child when the  
24 insurance is carried by either parent, or is available at  
25 reasonable cost to either parent on a group basis through an  
26 employer, or is otherwise reasonably available. The actual  
27 cost of only the portion of the health insurance premiums to  
28 cover the child, as well as predictable and recurring  
29 unreimbursed health care expenses in excess of \$250 per child  
30 per year, are to be added to the basic child support  
31 obligation and apportioned between the parents pursuant to s.

1 ~~62.401. Insurance is reasonably available if either the~~  
2 ~~obligor or obligee has access at a reasonable rate to group~~  
3 ~~insurance. The court may require the obligor either to~~  
4 ~~provide health insurance coverage or to reimburse the obligee~~  
5 ~~for the cost of health insurance coverage for the minor child~~  
6 ~~when coverage is provided by the obligee. In either event, the~~  
7 ~~court shall apportion the cost of coverage, and any noncovered~~  
8 ~~medical, dental, and prescription medication expenses of the~~  
9 ~~child, to both parties by adding the cost to the basic~~  
10 ~~obligation determined pursuant to s. 61.30(6). The court may~~  
11 ~~order that payment of uncovered medical, dental, and~~  
12 ~~prescription medication expenses of the minor child be made~~  
13 ~~directly to the payee on a percentage basis.~~

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

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

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

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

29         2. In cases in which the noncustodial parent provides  
30 health care coverage and the noncustodial parent changes  
31 employment and the new employer provides health care coverage,

1 the IV-D agency shall transfer notice of the provision to the  
2 employer, which notice shall operate to enroll the child in  
3 the noncustodial parent's health plan, unless the noncustodial  
4 parent contests the notice. Notice to enforce medical  
5 coverage under this section shall be served by the IV-D agency  
6 upon the obligor by mail at the obligor's last known address.  
7 The obligor shall have 15 days from the date of mailing of the  
8 notice to contest the notice with the IV-D agency.

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

18           4. The Department of Revenue shall have the authority  
19 to adopt rules to implement the child support enforcement  
20 provisions of this section.

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

1 ~~parents as established in s. 409.2565, if the obligor is~~  
2 ~~eligible for entrance into the pilot program.~~

3 (2)

4 (b)1. The court shall determine all matters relating  
5 to custody of each minor child of the parties in accordance  
6 with the best interests of the child and in accordance with  
7 the Uniform Child Custody Jurisdiction Act. It is the public  
8 policy of this state to assure that each minor child has  
9 frequent and continuing contact with both parents after the  
10 parents separate or the marriage of the parties is dissolved  
11 and to encourage parents to share the rights and  
12 responsibilities, and joys, of childrearing. After considering  
13 all relevant facts, the father of the child shall be given the  
14 same consideration as the mother in determining the primary  
15 residence of a child irrespective of the age or sex of the  
16 child.

17 2. The court shall order that the parental  
18 responsibility for a minor child be shared by both parents  
19 unless the court finds that shared parental responsibility  
20 would be detrimental to the child. Evidence that a parent has  
21 been convicted of a felony of the third degree or higher  
22 involving domestic violence, as defined in s. 741.28 and  
23 chapter 775, or meets the criteria of s. 39.806(1)(d), creates  
24 a rebuttable presumption of detriment to the child. If the  
25 presumption is not rebutted, shared parental responsibility,  
26 including visitation, residence of the child, and decisions  
27 made regarding the child, may not be granted to the convicted  
28 parent. However, the convicted parent is not relieved of any  
29 obligation to provide financial support. If the court  
30 determines that shared parental responsibility would be  
31 detrimental to the child, it may order sole parental

1 responsibility and make such arrangements for visitation as  
2 will best protect the child or abused spouse from further  
3 harm. Whether or not there is a conviction of any offense of  
4 domestic violence or child abuse or the existence of an  
5 injunction for protection against domestic violence, the court  
6 shall consider evidence of domestic violence or child abuse as  
7 evidence of detriment to the child.

8           a. In ordering shared parental responsibility, the  
9 court may consider the expressed desires of the parents and  
10 may grant to one party the ultimate responsibility over  
11 specific aspects of the child's welfare or may divide those  
12 responsibilities between the parties based on the best  
13 interests of the child. Areas of responsibility may include  
14 primary residence, education, medical and dental care, and any  
15 other responsibilities that the court finds unique to a  
16 particular family.

17           b. The court shall order "sole parental  
18 responsibility, with or without visitation rights, to the  
19 other parent when it is in the best interests of" the minor  
20 child.

21           c. The court may award the grandparents visitation  
22 rights with a minor child if it is in the child's best  
23 interest. Grandparents have legal standing to seek judicial  
24 enforcement of such an award. This section does not require  
25 that grandparents be made parties or given notice of  
26 dissolution pleadings or proceedings, nor do grandparents have  
27 legal standing as "contestants" as defined in s. 61.1306. A  
28 court may not order that a child be kept within the state or  
29 jurisdiction of the court solely for the purpose of permitting  
30 visitation by the grandparents.

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1           3. Access to records and information pertaining to a  
2 minor child, including, but not limited to, medical, dental,  
3 and school records, may not be denied to a parent because the  
4 parent is not the child's primary residential parent. Full  
5 rights under this subparagraph apply to either parent unless  
6 there is a court order that specifically revokes these rights.  
7 The primary residential parent shall provide the school with a  
8 copy of the court order if the rights under this subparagraph  
9 have been revoked. A parent with rights under this  
10 subparagraph has the same rights as to form, substance, and  
11 manner of access as are available to the other parent of a  
12 child, including, without limitation, the right to in-person  
13 communication with health care and education providers.

14           (5) The court may make specific orders for the care  
15 and custody of the minor child as from the circumstances of  
16 the parties and the nature of the case is equitable and  
17 provide for child support in accordance with the child support  
18 guidelines in chapter 62 ~~s. 61.30~~. An award of shared  
19 parental responsibility of a minor child does not preclude the  
20 court from entering an order for child support of the child.

21           Section 2. Subsection (1) and paragraph (b) of  
22 subsection (6) of section 61.14, Florida Statutes, are amended  
23 to read:

24           61.14 Enforcement and modification of support,  
25 maintenance, or alimony agreements or orders.--

26           (1)(a) When the parties enter into an agreement for  
27 payments for, or instead of, support, maintenance, or alimony,  
28 whether in connection with a proceeding for dissolution or  
29 separate maintenance, or paternity, or other actions for child  
30 support, or with any voluntary property settlement, or when a  
31 party is required by court order to make any payments, and the

1 circumstances or the financial ability of either party changes  
2 or the child who is a beneficiary of an agreement or court  
3 order as described herein reaches majority after the execution  
4 of the agreement or the rendition of the order, either party  
5 may apply to the circuit court of the circuit in which the  
6 parties, or either of them, resided at the date of the  
7 execution of the agreement or reside at the date of the  
8 application, or in which the agreement was executed or in  
9 which the order was rendered, for an order decreasing or  
10 increasing the amount of support, maintenance, or alimony, and  
11 the court has jurisdiction to make orders as equity requires,  
12 with due regard to the changed circumstances or the financial  
13 ability of the parties or the child, decreasing, increasing,  
14 or confirming the amount of separate support, maintenance, or  
15 alimony provided for in the agreement or order. A finding  
16 that health ~~medical~~ insurance is reasonably available or the  
17 child support guidelines in chapter 62 s. 61.30 may constitute  
18 changed circumstances.

19 (b) The court may modify an order of child support,  
20 maintenance, or alimony upward or downward retroactive to the  
21 date of the filing of the action as equity requires.

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

25 (d) ~~(c)~~ The department shall have authority to adopt  
26 rules to implement this section.

27 (6)

28 (b)1. When an obligor is 15 days delinquent in making  
29 a payment or installment of support, and the amount of the  
30 delinquency is equal to or greater than the periodic payment

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1 amount ordered by the court,the local depository shall serve  
2 notice on the obligor informing him or her of:  
3       a. The delinquency and its amount.  
4       b. An impending judgment by operation of law against  
5 him or her in the amount of the delinquency and all other  
6 amounts which thereafter become due and are unpaid, together  
7 with costs and a fee of \$5, for failure to pay the amount of  
8 the delinquency.  
9       c. The obligor's right to contest the impending  
10 judgment and the ground upon which such contest can be made.  
11       d. The local depository's authority to release  
12 information regarding the delinquency to one or more credit  
13 reporting agencies.  
14       2. The local depository shall serve the notice by  
15 mailing it by first class mail to the obligor at his or her  
16 last address of record with the local depository. If the  
17 obligor has no address of record with the local depository,  
18 service shall be by publication as provided in chapter 49.  
19       3. When service of the notice is made by mail, service  
20 is complete on the date of mailing.  
21       Section 3. Paragraph (b) of subsection (2) of section  
22 61.181, Florida Statutes, is amended to read:  
23       61.181 Central depository for receiving, recording,  
24 reporting, monitoring, and disbursing alimony, support,  
25 maintenance, and child support payments; fees.--  
26       (2)  
27       (b)1. For the period of July 1, 1992, through June 30,  
28 2002, the fee imposed in paragraph (a) shall be increased to 4  
29 percent of the support payments which the party is obligated  
30 to pay, except that no fee shall be more than \$5.25. The fee  
31 shall be considered by the court in determining the amount of

1 support that the obligor is, or may be, required to pay.  
2 Notwithstanding the provisions of s. 145.022, 75 percent of  
3 the additional revenues generated by this paragraph shall be  
4 remitted monthly to the Clerk of the Court Child Support  
5 Enforcement Collection System Trust Fund administered by the  
6 department as provided in subparagraph 2. These funds shall  
7 be used exclusively for the development, implementation, and  
8 operation of the Clerk of the Court Child Support Enforcement  
9 Collection System to be operated by the depositories,  
10 including the automation of civil case information necessary  
11 for the State Case Registry. The department shall contract  
12 with the Florida Association of Court Clerks and the  
13 depositories to design, establish, operate, upgrade, and  
14 maintain the automation of the depositories to include, but  
15 not be limited to, the provision of on-line electronic  
16 transfer of information to the IV-D agency as otherwise  
17 required by this chapter. The department's obligation to fund  
18 the automation of the depositories is limited to the state  
19 share of funds available in the Clerk of the Court Child  
20 Support Enforcement Collection System Trust Fund. Each  
21 depository created under this section shall fully participate  
22 in the Clerk of the Court Child Support Enforcement Collection  
23 System and transmit data in a readable format as required by  
24 the contract between the Florida Association of Court Clerks  
25 and the department.

26       2. ~~No later than December 31, 1996,~~ Moneys to be  
27 remitted to the department by the depository shall be done  
28 daily by electronic funds transfer and calculated as follows:  
29       a. For each support payment of less than \$33, 18.75  
30 cents.

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1           b. For each support payment between \$33 and \$140, an  
2 amount equal to 18.75 percent of the fee charged.

3           c. For each support payment in excess of \$140, 18.75  
4 cents.

5           3. The fees established by this section shall be set  
6 forth and included in every order of support entered by a  
7 court of this state which requires payment to be made into the  
8 depository.

9           Section 4. Chapter 62, Florida Statutes, consisting of  
10 sections 62.101, 62.102, 62.201, 62.202, 62.203, 62.204,  
11 62.205, 62.301, 62.302, 62.303, 62.304, 62.401, 62.402,  
12 62.403, 62.404, 62.405, 62.406, 62.501, 62.502, 62.503,  
13 62.504, 62.601, and 62.701, Florida Statutes, is created and  
14 shall be entitled "Child Support Guidelines."

15           Section 5. Section 62.101, Florida Statutes, is  
16 created to read:

17           62.101 Legislative findings and intent.--

18           (1) The Legislature finds that regardless of the  
19 relationship between the parents either before or after the  
20 birth of the child, it is in the best interests of the child  
21 to have the opportunity for continuing contact with both  
22 parents, unless detriment to the child or harm to a parent  
23 would be likely to result from such contact. The Legislature  
24 further finds that parents have the responsibility to provide  
25 child support and that child support orders should reflect the  
26 true costs of raising children in both households.

27           (2) The Legislature finds that the purpose of child  
28 support is to provide for the needs of the child and that  
29 child support is not limited to providing for the direct needs  
30 of the child for food, clothing, school, and entertainment.  
31 Child support also provides for housing, utilities,

1 transportation, and other indirect expenses related to the  
2 day-to-day care and well-being of the child.

3 (3) The Legislature finds that there is a need to  
4 provide information to increase understanding of the purposes  
5 and principles underlying the child support guidelines and to  
6 provide for uniformity of interpretation of the guidelines by  
7 child support professionals, the judiciary, child support  
8 agencies, and the public.

9 (4) The Legislature finds that these goals will be  
10 best achieved by the adoption and use of uniform statewide  
11 child support guidelines to be applied in all child support  
12 determinations, whether the parents of the children are  
13 married or unmarried.

14 (5) The Legislature intends to ensure that the amounts  
15 of child support ordered to be paid are adequate to meet the  
16 child's basic needs. The Legislature also intends that the  
17 amounts of child support ordered to be paid shall be equitably  
18 apportioned between the parents.

19 (6) The Legislature intends through this chapter to  
20 improve and facilitate the establishment of adequate and  
21 reasonable child support in the state, with the primary goal  
22 of improving opportunities for children by improving  
23 circumstances within their families, insofar as possible.

24 Section 6. Section 62.102, Florida Statutes, is  
25 created to read:

26 62.102 Definitions.--As used in this chapter:

27 (1) "Aggregate child support obligation" means the  
28 basic child support obligation plus any additional child care  
29 costs and health insurance premiums and other health care  
30 costs as provided in s. 62.401.

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1       (2) "Basic child support obligation" means the amount  
2 of child support derived from the child support guidelines  
3 schedule in s. 62.304.

4       (3) "Child support guidelines" means the provisions of  
5 this chapter.

6       (4) "Child support guidelines schedule" or "schedule"  
7 means the schedule provided in s. 62.304.

8       (5) "Custodial parent" or "primary residential parent"  
9 means the parent with whom the child maintains his or her  
10 primary residence.

11       (6) "Noncustodial parent" or "alternate residential  
12 parent" means the parent with whom the child does not maintain  
13 his or her primary residence.

14       (7) "Obligee" means the person to whom payments are  
15 made pursuant to an order establishing, enforcing, or  
16 modifying an obligation for alimony, for child support, or for  
17 alimony and child support.

18       (8) "Obligor" means the person responsible for making  
19 payments pursuant to an order establishing, enforcing, or  
20 modifying an obligation for alimony, for child support, or for  
21 alimony and child support.

22       (9) "Ordered child support obligation" means the  
23 aggregate child support obligation apportioned between the  
24 parents, plus or minus any deviations ordered by the court.

25       (10) "Rotating custody" or "rotating parenting" means  
26 a shared parental arrangement in which the designation of the  
27 primary residential parent alternates at regular intervals of  
28 substantial duration.

29       (11) "Shared parental responsibility" means a  
30 court-ordered relationship in which both parents retain full  
31 parental rights and responsibilities with respect to the child

1 and in which both parents confer with each other so that major  
2 decisions affecting the welfare of the child will be  
3 determined jointly.

4 (12) "Sole parental responsibility" means a  
5 court-ordered relationship in which one parent makes decisions  
6 regarding the child and the other parent may or may not be  
7 granted parenting time.

8 (13) "Split custody" or "split parenting" means a  
9 shared parental arrangement where there is more than one child  
10 in common and each parent provides primary residential care  
11 for at least one of the children.

12 (14) "Support order" means a judgment, decree, or  
13 order, whether temporary or final, issued by a court of  
14 competent jurisdiction for the support and maintenance of a  
15 child, which includes all elements of the order that support  
16 or maintain the child, including, but not limited to, monetary  
17 support, health care, arrearages, past support, and moneys  
18 held by the court to secure support.

19 Section 7. Section 62.201, Florida Statutes, is  
20 created to read:

21 62.201 Adoption of guidelines; purposes.--The adoption  
22 of uniform statewide presumptive child support guidelines is  
23 intended to serve the following purposes:

24 (1) Provide uniform procedures for establishing an  
25 adequate level of support for children, subject to the ability  
26 of parents to pay.

27 (2) Make child support more equitable by ensuring more  
28 consistent treatment of families in similar circumstances.

29 (3) Encourage fair and efficient settlement of  
30 conflicts between parents regarding child support and minimize  
31 the need for litigation.



1       (4) Reduce the adversarial nature of child support  
2 proceedings by increasing voluntary settlements because of the  
3 greater predictability in the child support determinations  
4 process.

5       (5) Increase the level of compliance with child  
6 support orders as a result of the perceived fairness of the  
7 amounts of child support ordered to be paid.

8       (6) Keep the state in compliance with federal law and  
9 regulations relating to child support guidelines.

10       Section 8. Section 62.202, Florida Statutes, is  
11 created to read:

12       62.202 Underlying principles of guidelines.--The child  
13 support guidelines were developed to provide the court with  
14 economic information to assist in the establishment of fair  
15 and adequate child support. The economic data and assumptions  
16 incorporated into these guidelines attempt to replicate the  
17 percentage of parental income that is spent on children in  
18 intact families. While it is recognized that the expenditures  
19 of separated, divorced, or nonformed families living in two  
20 households are different from the expenditures of families in  
21 single, intact households, children in this state should not  
22 suffer an avoidable decline in standard of living because of  
23 family disruption. Children living in two-household families  
24 should be afforded, to the extent reasonably possible, the  
25 same opportunities available to children living in intact  
26 families with parents of similar financial means. The premises  
27 of these child support guidelines are that:

28       (1) The well-being of children is of primary  
29 importance to the state.

30       (2) Both parents are mutually responsible for the  
31 support of their children and that responsibility shall be

1 divided in proportion to the parents' respective incomes and  
2 according to their respective ability to pay.

3 (3) Children shall share in the standard of living of  
4 both parents and child support may, therefore, appropriately  
5 improve the standard of living of the primary residential  
6 household to improve the lives of the children in that  
7 household.

8 (4) Child support shall be determined without regard  
9 to the gender of the primary residential parent, the alternate  
10 residential parent, or the child, or the status of the  
11 relationship between the parents of the child, and without  
12 regard to marital misconduct.

13 (5) Child support in cases in which both parents have  
14 high levels of responsibility for the children shall reflect  
15 the increased costs of raising the children in two homes and  
16 shall minimize significant disparities in the children's  
17 living standards in the two homes.

18 Section 9. Section 62.203, Florida Statutes, is  
19 created to read:

20 62.203 Rebuttable presumption.--

21 (1) The aggregate child support obligation apportioned  
22 between the parents creates a rebuttable presumption of the  
23 adequacy and reasonableness of the amount of child support  
24 ordered to be paid. However, every case must be determined on  
25 its own merits and circumstances, and the presumption may be  
26 rebutted by evidence that a child's needs are or are not being  
27 met or that application of the child support guidelines would  
28 result in an order for child support that is otherwise unjust  
29 or inappropriate.

30 (2) This chapter shall be applied in all actions,  
31 contested and uncontested, in which child support is being

1 determined, including, but not limited to, those involving  
2 temporary support, interstate support, domestic violence,  
3 dependent children, divorce, separation, public assistance,  
4 and paternity. A "rebuttable presumption" means that the  
5 aggregate child support obligation apportioned between the  
6 parents is presumed to be the correct amount of child support,  
7 unless it is proven to the court that circumstances exist that  
8 make this amount unjust or inappropriate in the specific case.

9 Section 10. Section 62.204, Florida Statutes, is  
10 created to read:

11 62.204 Apportionment of child support.--Both parents  
12 share legal responsibility for the financial needs of their  
13 child, whether the parents are separated, divorced, remarried,  
14 or never married. In intact families, the income of both  
15 parents is pooled and spent for the benefit of all family  
16 members, including the children. Each parent's contribution to  
17 the combined income of the family represents the relative  
18 sharing of household expenses. This same principle of  
19 income-sharing is used to determine how parents will share  
20 payment of court-ordered child support. The child support  
21 guidelines take into consideration the financial contributions  
22 of both parents in relation to total income, so as to  
23 establish and equitably apportion child support. The primary  
24 residential parent's share of child-rearing expenses is  
25 retained by the primary residential parent and is assumed to  
26 be spent for the benefit of the child through daily living  
27 expenses. The alternate residential parent's share of  
28 child-rearing expenses represents the amount of support that  
29 is paid to the primary residential parent for the benefit of  
30 the child.

31

1           Section 11. Section 62.205, Florida Statutes, is  
2 created to read:

3           62.205 Economic principles of guidelines.--

4           (1) There is no absolute cost of raising children. The  
5 cost of raising children is inferred from the amount of  
6 expenditures made by parents for their children. The marginal  
7 cost of raising a child is the amount of spending above what  
8 the parents would spend if they did not have a child.

9           (2) The cornerstone of the child support guidelines  
10 schedule is the estimates of what parents in intact families  
11 spend on their children. Determining the cost of raising a  
12 child is difficult because most goods and services purchased  
13 by families are shared by parents and children, and  
14 expenditure data are not detailed enough to attribute a  
15 particular expense to an individual family member. Since the  
16 majority of expenditures on children cannot be directly  
17 observed, economists have used an indirect method of  
18 determining child-rearing costs. A number of economic studies  
19 based on national data provide reliable estimates of the  
20 average amount of household expenditures spent on children in  
21 intact households. These studies have found that the  
22 proportion of household spending devoted to children is  
23 systematically and consistently related to the level of  
24 household income and to the number of children in the  
25 household. Basing the child support guidelines schedule on  
26 prevailing economic evidence to provide that children properly  
27 share in the resources of their parents, regardless of family  
28 structure, ensures that child support will be related, to the  
29 extent practicable, to the standard of living that the  
30 children would enjoy if they were living in a household with  
31 both parents present.

1       (3) National data on family size, income, and  
2 expenditures supports the following economic principles, which  
3 are applied in the child support guidelines schedule:

4       (a) Households with a larger number of people have  
5 lower costs per person due to the economies of scale and the  
6 sharing of some household goods.

7       (b) Total spending on children increases with the size  
8 of the family.

9       (c) As total expenditures of the household rise,  
10 expenditures on children rise in roughly the same proportion.

11       (d) As family income rises, spending on children  
12 increases, since parents use some of their discretionary  
13 income to increase the children's standard of living.

14       (e) Spending on children as a proportion of family  
15 consumption remains relatively constant through most of the  
16 income range.

17       (f) As family income increases, total family spending  
18 for goods and services declines as a proportion of net income,  
19 since income for nonconsumable items such as savings increases  
20 with the level of household income.

21       (g) As income increases in a household, the  
22 expenditures for children as a proportion of family income  
23 decline, while such expenditures remain almost constant as a  
24 proportion of family consumption spending.

25       (h) As the number of children in a family increases,  
26 the marginal cost of each child does not increase  
27 proportionately. Expenditures on two children are less than  
28 twice as much as spending on one child, and three children  
29 cost less than three times as much as one child.

30       Section 12. Section 62.301, Florida Statutes, is  
31 created to read:

1           62.301 Determination of gross income; exclusions.--For  
2 purposes of this chapter, gross income is all earned and  
3 unearned income that is recurring or will increase the income  
4 available to the recipient over an extended period of time.  
5 When determining whether an income source shall be included in  
6 the calculation of a basic child support obligation, the court  
7 shall consider if the income source would have been available  
8 to pay expenses related to the child if the family had  
9 remained intact, or if the family had formed, and how long the  
10 source would have been available to pay those expenses. Income  
11 to be considered for child support purposes is not the same as  
12 income for federal tax purposes. Income from any source that  
13 is not continuing or recurring in nature need not necessarily  
14 be deemed gross income for child support purposes. To the  
15 extent possible, income for child support and expenses shall  
16 be annualized to avoid the possibility of skewed application  
17 of the child support guidelines based on temporary or seasonal  
18 conditions. Gross income for child support purposes includes,  
19 but is not limited to, income from the following sources:  
20           (1) EARNED INCOME.--Earned income includes, but is not  
21 limited to:  
22           (a) Salary or wages, bonuses, commissions, allowances,  
23 tips, deferred compensation, cost-of-living allowances,  
24 profit-sharing, severance pay, earnings from overtime and  
25 second jobs, and other similar payments.  
26           (b) Income of members of any branch of the United  
27 States Armed Services or the National Guard, including, but  
28 not limited to, amounts representing base pay, basic allowance  
29 for quarters at the rate the parent is actually eligible for,  
30 basic allowance for subsistence, supplemental subsistence  
31 allowances, cost-of-living adjustments, specialty pay,

1 variable housing allowance when appropriate, and pay for  
2 training or other types of required drills.

3 (2) INCOME FROM SELF-EMPLOYMENT OR OPERATION OF A  
4 BUSINESS.--With respect to income from self-employment, rent,  
5 royalties, proprietorship of a business, or joint ownership of  
6 a partnership or closely held corporation, "gross income"  
7 means gross receipts minus ordinary and necessary expenses  
8 required for the self-employment or business operation.

9 (3) BENEFITS RECEIVED IN PLACE OF EARNED  
10 INCOME.--Income received from earned benefits, including, but  
11 not limited to, disability benefits including social security,  
12 workers' compensation, unemployment compensation, and pension,  
13 retirement including social security, or annuity payments,  
14 shall be included in gross income for purposes of calculating  
15 a basic child support obligation.

16 (4) IN-KIND PAYMENTS.--Gross income shall include  
17 reimbursed expenses or in-kind payments to the extent that  
18 such expenses or payments reduce living expenses. "In-kind  
19 payments" means the receipt of any valuable right, property,  
20 or property interest, other than money, including forgiveness  
21 of debt other than through bankruptcy, use of property  
22 including living quarters at no charge or less than the  
23 customary charge, and the use of consumable property or  
24 services at no charge or less than the customary charge. Cash  
25 value shall be assigned to in-kind and other noncash benefits.  
26 In-kind payments includes amounts in addition to, as well as  
27 in lieu of, both salary and wages. Regularly recurring  
28 contributions or gifts from a spouse or domestic partner,  
29 however, are specifically excluded from gross income, but may  
30 be grounds for a deviation from the amount of presumptive  
31 child support in limited circumstances.

1       (5) GIFTS, PRIZES, AND WINNINGS.--Gifts, prizes,  
2 lottery winnings, and gambling winnings that are received on a  
3 regularly recurring basis shall be included in the gross  
4 income of the parents for the purpose of calculating the basic  
5 child support obligation. Regularly recurring contributions or  
6 gifts from a spouse or domestic partner, however, are  
7 specifically excluded from gross income, but may be grounds  
8 for a deviation from the amount of presumptive child support  
9 in limited circumstances.

10       (6) INCOME FROM ALIMONY.--Spousal support received  
11 from a previous marriage or ordered by the court in the  
12 marriage before the court shall be considered to be gross  
13 income.

14       (7) INCOME FROM OTHER SOURCES.--Income for purposes of  
15 this chapter shall also include, but not be limited to, income  
16 from interest and dividends, income from contractual  
17 agreements, investment income, trust, estate, and annuity  
18 income, and capital gains unless the gain is nonrecurring.

19       (8) IMPUTED INCOME.--

20       (a) "Imputed income" means income not actually earned  
21 by a parent, but which will be attributed to the parent based  
22 on:

23           1. The parent's earning potential if employed full  
24 time.

25           2. The parent's recent work history.

26           3. The parent's occupational and professional  
27 qualifications.

28           4. The prevailing job opportunities in the community  
29 and earning levels in the community.

30  
31



1 It is presumed that a parent who is legally present in the  
2 United States has the present ability to earn income of at  
3 least the minimum wage for 35 hours weekly.  
4 (b) Income shall be imputed whenever a parent:  
5 1. Is voluntarily unemployed;  
6 2. Is voluntarily underemployed;  
7 3. Fails to produce sufficient documentation of  
8 income;  
9 4. Has an unknown employment status; or  
10 5. Is a full-time student whose education or  
11 retraining will result, within a reasonable time, in an  
12 economic benefit to the child for whom support is being  
13 established, unless actual income is greater. If income to a  
14 student parent is imputed, it is presumed that the parent has  
15 the present ability to earn income of at least minimum wage  
16 for 20 hours weekly.  
17 (c) Income shall not be imputed if any of the  
18 following conditions exist:  
19 1. The reasonable costs of child care for dependents  
20 in the parent's household would offset in whole or substantial  
21 part that parent's imputed income.  
22 2. The parent is physically or mentally disabled to  
23 the extent that he or she cannot earn income.  
24 3. Unusual emotional or physical needs of a legal  
25 dependent require the parent's presence in the home.  
26 4. The parent has made diligent efforts to find and  
27 accept suitable work or to return to customary  
28 self-employment, to no avail.  
29 5. The court finds that other circumstances exist  
30 which make the imputation of income inequitable. However, the  
31

1 amount of imputed income shall be decreased only to the extent  
2 required to remove such inequity.

3 (d) In a judicial circuit with a work experience and  
4 job training pilot project, if the obligor is unemployed or  
5 has no income and does not have an account at a financial  
6 institution, the court shall order the obligor to seek  
7 employment, if the obligor is able to engage in employment,  
8 and to immediately notify the court upon obtaining employment,  
9 upon obtaining any income, or upon obtaining ownership of any  
10 asset with a value of \$500 or more. If the obligor is still  
11 unemployed 30 days after any order for child support, the  
12 court may order the obligor to enroll in the work experience,  
13 job placement, and job training pilot program for alternate  
14 residential parents as established in s. 409.2565, if the  
15 obligor is eligible for entrance into the pilot program.

16 (9) TYPES OF INCOME EXCLUDED FROM GROSS INCOME.--

17 (a) Means-tested sources of income, including, but not  
18 limited to, Temporary Assistance to Needy Families (TANF),  
19 food stamps, the federal earned income credit, and  
20 supplemental security income (SSI).

21 (b) Child support received for children of another  
22 relationship.

23 (c) Non-income-producing assets, including, but not  
24 limited to, undeveloped real estate, automobiles, jewelry, and  
25 art, unless the court finds that the intent of the investment  
26 was to avoid the payment of child support, or unless a parent  
27 has inadequate income to meet an ordered child support  
28 obligation.

29 (d) Income from children, unless the court determines  
30 that such income shall be included because the child is a  
31

1 professional or has substantial income that reduces the  
2 family's living expenses.

3 (e) Income from other household members, including,  
4 but not limited to, stepparents, grandparents, or a subsequent  
5 spouse, who are not legally responsible for the support of the  
6 child for whom support is being established, except as  
7 provided in s. 62.404.

8 (f) Financial assistance for education, including  
9 loans, grants, scholarships, and veteran's education benefits.

10 Section 13. Section 62.302, Florida Statutes, is  
11 created to read:

12 62.302 Determination of net income; allowable  
13 deductions from gross income.--

14 (1) The net disposable income of each parent is  
15 defined as the parent's gross income minus the actual amounts  
16 attributable to the following items:

17 (a) Federal, state, and local income tax deductions,  
18 adjusted for actual filing status after the order for support  
19 is entered. Amounts withheld that exceed those required to pay  
20 taxes owed shall not be deducted from gross income.

21 (b) Deductions attributed to the employee's  
22 contribution or the self-employed worker's contribution  
23 pursuant to the Federal Insurance Contributions Act (FICA).

24 (c) Medicare taxes, if treated separately from the  
25 Federal Insurance Contributions Act (FICA).

26 (d) Deductions for mandatory union dues and mandatory  
27 retirement benefits, provided that the deductions are required  
28 by law or required as a condition of employment.

29 (e) Deductions for health insurance premiums for the  
30 parent, but excluding payments for coverage of the minor  
31 child.

1       (f)1. Any child support for other children who are not  
2 subject to the support action, which support is actually being  
3 paid by the parent pursuant to a court order; or

4       2. In the absence of a court order, any child support  
5 actually being paid by the parent, not to exceed the aggregate  
6 child support obligation apportioned between the parents, for  
7 natural or adopted children of the parent not residing in that  
8 parent's home, who are not subject to the support action and  
9 for whom the parent has a duty of support.

10  
11 Unless the parent provides documentation of payment of the  
12 child support, no deduction shall be allowed under this  
13 paragraph.

14       (g) Any spousal support paid pursuant to a court order  
15 either from a previous marriage or the marriage before the  
16 court.

17       Section 14. Section 62.303, Florida Statutes, is  
18 created to read:

19       62.303 Documentation of income.--

20       (1) Every petition for child support or for  
21 modification of child support shall be accompanied by an  
22 affidavit stating the party's income, allowable deductions,  
23 and net income computed in accordance with this chapter, which  
24 shall be served at the same time that the petition is served.  
25 The respondent, whether or not a stipulation is entered, shall  
26 make an affidavit stating the respondent's income, allowable  
27 deductions, and net income computed in accordance with this  
28 chapter, which shall be included with the answer to the  
29 petition, or as soon thereafter as is practicable, but in any  
30 case shall be provided to the court at least 72 hours prior to  
31 any hearing on the finances of either party.

1       (2) A support order may contain a provision for the  
2 annual exchange of financial information by the obligor and  
3 obligee at the discretion of the court. For purposes of this  
4 subsection, the wages of a subsequent spouse may be omitted  
5 from the financial information provided by either the obligor  
6 or obligee.

7           Section 15. Section 62.304, Florida Statutes, is  
8 created to read:

9           62.304 Child support guidelines schedule; basic child  
10 support obligation.--

11       (1) The following assumptions apply when using the  
12 child support guidelines schedule to determine a basic child  
13 support obligation:

14       (a) The schedule presumes that the primary residential  
15 parent claims the income tax exemption for a child due  
16 support.

17       (b) A self-support reserve, as well as a downward  
18 adjustment, is incorporated into the schedule to be used when  
19 one or both parents' incomes are at or near the federal  
20 poverty level. The downward adjustment is for the purpose of  
21 leaving the obligor with enough income after payment of child  
22 support to live at or above the federal poverty level for one  
23 person.

24       (c) The schedule includes expenditures for housing,  
25 food, home furnishings, utilities, clothing, transportation,  
26 education, and recreation, and \$250 per child per year in  
27 unreimbursed health care expenses.

28       (d) The schedule does not include expenditures for  
29 child care, extraordinary medical care, or the child's share  
30 of the health insurance premiums. Expenses for these items  
31 shall be considered separately by the court.

1       (e) The schedule is based on average expenditures for  
2 children across the entire age range of 0 through 17 years.

3       (f) No consideration for parenting time costs has been  
4 factored in to the schedule, since the schedule is based on  
5 expenditures for children in intact households.

6       (g) The fact that a family does not incur a specific  
7 expense in a consumption category shall not be a basis for  
8 deviation from the amount of child support ordered to be paid.

9       (h) The number of children in the schedule refers to  
10 the children for whom the parents share responsibility and for  
11 whom support is being established. The child support  
12 guidelines apply to all natural children, whether born in or  
13 out of wedlock, and to all adopted children.

14       (i) If the parties share responsibility for more than  
15 six children, child support shall be based upon the  
16 established needs of the children and shall be greater than  
17 the amount of child support for six-child families.

18       (2) The following schedule shall be applied to the  
19 combined net income of the parents to determine the basic  
20 child support obligation:

21

22 <u>Combined</u>						
23 <u>Monthly</u>						
24 <u>Available</u>	<u>Child or Children</u>					
25 <u>Income</u>	<u>One</u>	<u>Two</u>	<u>Three</u>	<u>Four</u>	<u>Five</u>	<u>Six</u>
26 <u>650.00</u>	<u>74</u>	<u>75</u>	<u>75</u>	<u>76</u>	<u>77</u>	<u>78</u>
27 <u>700.00</u>	<u>119</u>	<u>120</u>	<u>121</u>	<u>123</u>	<u>124</u>	<u>125</u>
28 <u>750.00</u>	<u>164</u>	<u>166</u>	<u>167</u>	<u>169</u>	<u>171</u>	<u>173</u>
29 <u>800.00</u>	<u>190</u>	<u>211</u>	<u>213</u>	<u>216</u>	<u>218</u>	<u>220</u>
30 <u>850.00</u>	<u>202</u>	<u>257</u>	<u>259</u>	<u>262</u>	<u>265</u>	<u>268</u>
31 <u>900.00</u>	<u>213</u>	<u>302</u>	<u>305</u>	<u>309</u>	<u>312</u>	<u>315</u>

1	<u>950.00</u>	<u>224</u>	<u>347</u>	<u>351</u>	<u>355</u>	<u>359</u>	<u>363</u>
2	<u>1000.00</u>	<u>235</u>	<u>365</u>	<u>397</u>	<u>402</u>	<u>406</u>	<u>410</u>
3	<u>1050.00</u>	<u>246</u>	<u>382</u>	<u>443</u>	<u>448</u>	<u>453</u>	<u>458</u>
4	<u>1100.00</u>	<u>258</u>	<u>400</u>	<u>489</u>	<u>495</u>	<u>500</u>	<u>505</u>
5	<u>1150.00</u>	<u>269</u>	<u>417</u>	<u>522</u>	<u>541</u>	<u>547</u>	<u>553</u>
6	<u>1200.00</u>	<u>280</u>	<u>435</u>	<u>544</u>	<u>588</u>	<u>594</u>	<u>600</u>
7	<u>1250.00</u>	<u>290</u>	<u>451</u>	<u>565</u>	<u>634</u>	<u>641</u>	<u>648</u>
8	<u>1300.00</u>	<u>300</u>	<u>467</u>	<u>584</u>	<u>659</u>	<u>688</u>	<u>695</u>
9	<u>1350.00</u>	<u>310</u>	<u>482</u>	<u>603</u>	<u>681</u>	<u>735</u>	<u>743</u>
10	<u>1400.00</u>	<u>320</u>	<u>498</u>	<u>623</u>	<u>702</u>	<u>765</u>	<u>790</u>
11	<u>1450.00</u>	<u>330</u>	<u>513</u>	<u>642</u>	<u>724</u>	<u>789</u>	<u>838</u>
12	<u>1500.00</u>	<u>340</u>	<u>529</u>	<u>662</u>	<u>746</u>	<u>813</u>	<u>869</u>
13	<u>1550.00</u>	<u>350</u>	<u>544</u>	<u>681</u>	<u>768</u>	<u>836</u>	<u>895</u>
14	<u>1600.00</u>	<u>360</u>	<u>560</u>	<u>701</u>	<u>790</u>	<u>860</u>	<u>920</u>
15	<u>1650.00</u>	<u>370</u>	<u>575</u>	<u>720</u>	<u>812</u>	<u>884</u>	<u>945</u>
16	<u>1700.00</u>	<u>380</u>	<u>591</u>	<u>740</u>	<u>833</u>	<u>907</u>	<u>971</u>
17	<u>1750.00</u>	<u>390</u>	<u>606</u>	<u>759</u>	<u>855</u>	<u>931</u>	<u>996</u>
18	<u>1800.00</u>	<u>400</u>	<u>622</u>	<u>779</u>	<u>877</u>	<u>955</u>	<u>1022</u>
19	<u>1850.00</u>	<u>410</u>	<u>638</u>	<u>798</u>	<u>900</u>	<u>979</u>	<u>1048</u>
20	<u>1900.00</u>	<u>421</u>	<u>654</u>	<u>818</u>	<u>923</u>	<u>1004</u>	<u>1074</u>
21	<u>1950.00</u>	<u>431</u>	<u>670</u>	<u>839</u>	<u>946</u>	<u>1029</u>	<u>1101</u>
22	<u>2000.00</u>	<u>442</u>	<u>686</u>	<u>859</u>	<u>968</u>	<u>1054</u>	<u>1128</u>
23	<u>2050.00</u>	<u>452</u>	<u>702</u>	<u>879</u>	<u>991</u>	<u>1079</u>	<u>1154</u>
24	<u>2100.00</u>	<u>463</u>	<u>718</u>	<u>899</u>	<u>1014</u>	<u>1104</u>	<u>1181</u>
25	<u>2150.00</u>	<u>473</u>	<u>734</u>	<u>919</u>	<u>1037</u>	<u>1129</u>	<u>1207</u>
26	<u>2200.00</u>	<u>484</u>	<u>751</u>	<u>940</u>	<u>1060</u>	<u>1154</u>	<u>1234</u>
27	<u>2250.00</u>	<u>494</u>	<u>767</u>	<u>960</u>	<u>1082</u>	<u>1179</u>	<u>1261</u>
28	<u>2300.00</u>	<u>505</u>	<u>783</u>	<u>980</u>	<u>1105</u>	<u>1204</u>	<u>1287</u>
29	<u>2350.00</u>	<u>515</u>	<u>799</u>	<u>1000</u>	<u>1128</u>	<u>1229</u>	<u>1314</u>
30	<u>2400.00</u>	<u>526</u>	<u>815</u>	<u>1020</u>	<u>1151</u>	<u>1254</u>	<u>1340</u>
31	<u>2450.00</u>	<u>536</u>	<u>831</u>	<u>1041</u>	<u>1174</u>	<u>1279</u>	<u>1367</u>

1	<u>2500.00</u>	<u>547</u>	<u>847</u>	<u>1061</u>	<u>1196</u>	<u>1304</u>	<u>1394</u>
2	<u>2550.00</u>	<u>557</u>	<u>864</u>	<u>1081</u>	<u>1219</u>	<u>1329</u>	<u>1420</u>
3	<u>2600.00</u>	<u>568</u>	<u>880</u>	<u>1101</u>	<u>1242</u>	<u>1354</u>	<u>1447</u>
4	<u>2650.00</u>	<u>578</u>	<u>896</u>	<u>1121</u>	<u>1265</u>	<u>1379</u>	<u>1473</u>
5	<u>2700.00</u>	<u>588</u>	<u>912</u>	<u>1141</u>	<u>1287</u>	<u>1403</u>	<u>1500</u>
6	<u>2750.00</u>	<u>597</u>	<u>927</u>	<u>1160</u>	<u>1308</u>	<u>1426</u>	<u>1524</u>
7	<u>2800.00</u>	<u>607</u>	<u>941</u>	<u>1178</u>	<u>1328</u>	<u>1448</u>	<u>1549</u>
8	<u>2850.00</u>	<u>616</u>	<u>956</u>	<u>1197</u>	<u>1349</u>	<u>1471</u>	<u>1573</u>
9	<u>2900.00</u>	<u>626</u>	<u>971</u>	<u>1215</u>	<u>1370</u>	<u>1494</u>	<u>1598</u>
10	<u>2950.00</u>	<u>635</u>	<u>986</u>	<u>1234</u>	<u>1391</u>	<u>1517</u>	<u>1622</u>
11	<u>3000.00</u>	<u>644</u>	<u>1001</u>	<u>1252</u>	<u>1412</u>	<u>1540</u>	<u>1647</u>
12	<u>3050.00</u>	<u>654</u>	<u>1016</u>	<u>1271</u>	<u>1433</u>	<u>1563</u>	<u>1671</u>
13	<u>3100.00</u>	<u>663</u>	<u>1031</u>	<u>1289</u>	<u>1453</u>	<u>1586</u>	<u>1695</u>
14	<u>3150.00</u>	<u>673</u>	<u>1045</u>	<u>1308</u>	<u>1474</u>	<u>1608</u>	<u>1720</u>
15	<u>3200.00</u>	<u>682</u>	<u>1060</u>	<u>1327</u>	<u>1495</u>	<u>1631</u>	<u>1744</u>
16	<u>3250.00</u>	<u>691</u>	<u>1075</u>	<u>1345</u>	<u>1516</u>	<u>1654</u>	<u>1769</u>
17	<u>3300.00</u>	<u>701</u>	<u>1090</u>	<u>1364</u>	<u>1537</u>	<u>1677</u>	<u>1793</u>
18	<u>3350.00</u>	<u>710</u>	<u>1105</u>	<u>1382</u>	<u>1558</u>	<u>1700</u>	<u>1818</u>
19	<u>3400.00</u>	<u>720</u>	<u>1120</u>	<u>1401</u>	<u>1579</u>	<u>1723</u>	<u>1842</u>
20	<u>3450.00</u>	<u>729</u>	<u>1135</u>	<u>1419</u>	<u>1599</u>	<u>1745</u>	<u>1867</u>
21	<u>3500.00</u>	<u>738</u>	<u>1149</u>	<u>1438</u>	<u>1620</u>	<u>1768</u>	<u>1891</u>
22	<u>3550.00</u>	<u>748</u>	<u>1164</u>	<u>1456</u>	<u>1641</u>	<u>1791</u>	<u>1915</u>
23	<u>3600.00</u>	<u>757</u>	<u>1179</u>	<u>1475</u>	<u>1662</u>	<u>1814</u>	<u>1940</u>
24	<u>3650.00</u>	<u>767</u>	<u>1194</u>	<u>1493</u>	<u>1683</u>	<u>1837</u>	<u>1964</u>
25	<u>3700.00</u>	<u>776</u>	<u>1208</u>	<u>1503</u>	<u>1702</u>	<u>1857</u>	<u>1987</u>
26	<u>3750.00</u>	<u>784</u>	<u>1221</u>	<u>1520</u>	<u>1721</u>	<u>1878</u>	<u>2009</u>
27	<u>3800.00</u>	<u>793</u>	<u>1234</u>	<u>1536</u>	<u>1740</u>	<u>1899</u>	<u>2031</u>
28	<u>3850.00</u>	<u>802</u>	<u>1248</u>	<u>1553</u>	<u>1759</u>	<u>1920</u>	<u>2053</u>
29	<u>3900.00</u>	<u>811</u>	<u>1261</u>	<u>1570</u>	<u>1778</u>	<u>1940</u>	<u>2075</u>
30	<u>3950.00</u>	<u>819</u>	<u>1275</u>	<u>1587</u>	<u>1797</u>	<u>1961</u>	<u>2097</u>
31	<u>4000.00</u>	<u>828</u>	<u>1288</u>	<u>1603</u>	<u>1816</u>	<u>1982</u>	<u>2119</u>



1	<u>4050.00</u>	<u>837</u>	<u>1302</u>	<u>1620</u>	<u>1835</u>	<u>2002</u>	<u>2141</u>
2	<u>4100.00</u>	<u>846</u>	<u>1315</u>	<u>1637</u>	<u>1854</u>	<u>2023</u>	<u>2163</u>
3	<u>4150.00</u>	<u>854</u>	<u>1329</u>	<u>1654</u>	<u>1873</u>	<u>2044</u>	<u>2185</u>
4	<u>4200.00</u>	<u>863</u>	<u>1342</u>	<u>1670</u>	<u>1892</u>	<u>2064</u>	<u>2207</u>
5	<u>4250.00</u>	<u>872</u>	<u>1355</u>	<u>1687</u>	<u>1911</u>	<u>2085</u>	<u>2229</u>
6	<u>4300.00</u>	<u>881</u>	<u>1369</u>	<u>1704</u>	<u>1930</u>	<u>2106</u>	<u>2251</u>
7	<u>4350.00</u>	<u>889</u>	<u>1382</u>	<u>1721</u>	<u>1949</u>	<u>2127</u>	<u>2273</u>
8	<u>4400.00</u>	<u>898</u>	<u>1396</u>	<u>1737</u>	<u>1968</u>	<u>2147</u>	<u>2295</u>
9	<u>4450.00</u>	<u>907</u>	<u>1409</u>	<u>1754</u>	<u>1987</u>	<u>2168</u>	<u>2317</u>
10	<u>4500.00</u>	<u>916</u>	<u>1423</u>	<u>1771</u>	<u>2006</u>	<u>2189</u>	<u>2339</u>
11	<u>4550.00</u>	<u>924</u>	<u>1436</u>	<u>1788</u>	<u>2024</u>	<u>2209</u>	<u>2361</u>
12	<u>4600.00</u>	<u>933</u>	<u>1450</u>	<u>1804</u>	<u>2043</u>	<u>2230</u>	<u>2384</u>
13	<u>4650.00</u>	<u>942</u>	<u>1463</u>	<u>1821</u>	<u>2062</u>	<u>2251</u>	<u>2406</u>
14	<u>4700.00</u>	<u>951</u>	<u>1477</u>	<u>1838</u>	<u>2081</u>	<u>2271</u>	<u>2428</u>
15	<u>4750.00</u>	<u>959</u>	<u>1490</u>	<u>1855</u>	<u>2100</u>	<u>2292</u>	<u>2450</u>
16	<u>4800.00</u>	<u>968</u>	<u>1503</u>	<u>1871</u>	<u>2119</u>	<u>2313</u>	<u>2472</u>
17	<u>4850.00</u>	<u>977</u>	<u>1517</u>	<u>1888</u>	<u>2138</u>	<u>2334</u>	<u>2494</u>
18	<u>4900.00</u>	<u>986</u>	<u>1530</u>	<u>1905</u>	<u>2157</u>	<u>2354</u>	<u>2516</u>
19	<u>4950.00</u>	<u>993</u>	<u>1542</u>	<u>1927</u>	<u>2174</u>	<u>2372</u>	<u>2535</u>
20	<u>5000.00</u>	<u>1000</u>	<u>1551</u>	<u>1939</u>	<u>2188</u>	<u>2387</u>	<u>2551</u>
21	<u>5050.00</u>	<u>1006</u>	<u>1561</u>	<u>1952</u>	<u>2202</u>	<u>2402</u>	<u>2567</u>
22	<u>5100.00</u>	<u>1013</u>	<u>1571</u>	<u>1964</u>	<u>2215</u>	<u>2417</u>	<u>2583</u>
23	<u>5150.00</u>	<u>1019</u>	<u>1580</u>	<u>1976</u>	<u>2229</u>	<u>2432</u>	<u>2599</u>
24	<u>5200.00</u>	<u>1025</u>	<u>1590</u>	<u>1988</u>	<u>2243</u>	<u>2447</u>	<u>2615</u>
25	<u>5250.00</u>	<u>1032</u>	<u>1599</u>	<u>2000</u>	<u>2256</u>	<u>2462</u>	<u>2631</u>
26	<u>5300.00</u>	<u>1038</u>	<u>1609</u>	<u>2012</u>	<u>2270</u>	<u>2477</u>	<u>2647</u>
27	<u>5350.00</u>	<u>1045</u>	<u>1619</u>	<u>2024</u>	<u>2283</u>	<u>2492</u>	<u>2663</u>
28	<u>5400.00</u>	<u>1051</u>	<u>1628</u>	<u>2037</u>	<u>2297</u>	<u>2507</u>	<u>2679</u>
29	<u>5450.00</u>	<u>1057</u>	<u>1638</u>	<u>2049</u>	<u>2311</u>	<u>2522</u>	<u>2695</u>
30	<u>5500.00</u>	<u>1064</u>	<u>1647</u>	<u>2061</u>	<u>2324</u>	<u>2537</u>	<u>2711</u>
31	<u>5550.00</u>	<u>1070</u>	<u>1657</u>	<u>2073</u>	<u>2338</u>	<u>2552</u>	<u>2727</u>

1	<u>5600.00</u>	<u>1077</u>	<u>1667</u>	<u>2085</u>	<u>2352</u>	<u>2567</u>	<u>2743</u>
2	<u>5650.00</u>	<u>1083</u>	<u>1676</u>	<u>2097</u>	<u>2365</u>	<u>2582</u>	<u>2759</u>
3	<u>5700.00</u>	<u>1089</u>	<u>1686</u>	<u>2109</u>	<u>2379</u>	<u>2597</u>	<u>2775</u>
4	<u>5750.00</u>	<u>1096</u>	<u>1695</u>	<u>2122</u>	<u>2393</u>	<u>2612</u>	<u>2791</u>
5	<u>5800.00</u>	<u>1102</u>	<u>1705</u>	<u>2134</u>	<u>2406</u>	<u>2627</u>	<u>2807</u>
6	<u>5850.00</u>	<u>1107</u>	<u>1713</u>	<u>2144</u>	<u>2418</u>	<u>2639</u>	<u>2820</u>
7	<u>5900.00</u>	<u>1111</u>	<u>1721</u>	<u>2155</u>	<u>2429</u>	<u>2651</u>	<u>2833</u>
8	<u>5950.00</u>	<u>1116</u>	<u>1729</u>	<u>2165</u>	<u>2440</u>	<u>2663</u>	<u>2847</u>
9	<u>6000.00</u>	<u>1121</u>	<u>1737</u>	<u>2175</u>	<u>2451</u>	<u>2676</u>	<u>2860</u>
10	<u>6050.00</u>	<u>1126</u>	<u>1746</u>	<u>2185</u>	<u>2462</u>	<u>2688</u>	<u>2874</u>
11	<u>6100.00</u>	<u>1131</u>	<u>1754</u>	<u>2196</u>	<u>2473</u>	<u>2700</u>	<u>2887</u>
12	<u>6150.00</u>	<u>1136</u>	<u>1762</u>	<u>2206</u>	<u>2484</u>	<u>2712</u>	<u>2900</u>
13	<u>6200.00</u>	<u>1141</u>	<u>1770</u>	<u>2216</u>	<u>2495</u>	<u>2724</u>	<u>2914</u>
14	<u>6250.00</u>	<u>1145</u>	<u>1778</u>	<u>2227</u>	<u>2506</u>	<u>2737</u>	<u>2927</u>
15	<u>6300.00</u>	<u>1150</u>	<u>1786</u>	<u>2237</u>	<u>2517</u>	<u>2749</u>	<u>2941</u>
16	<u>6350.00</u>	<u>1155</u>	<u>1795</u>	<u>2247</u>	<u>2529</u>	<u>2761</u>	<u>2954</u>
17	<u>6400.00</u>	<u>1160</u>	<u>1803</u>	<u>2258</u>	<u>2540</u>	<u>2773</u>	<u>2967</u>
18	<u>6450.00</u>	<u>1165</u>	<u>1811</u>	<u>2268</u>	<u>2551</u>	<u>2785</u>	<u>2981</u>
19	<u>6500.00</u>	<u>1170</u>	<u>1819</u>	<u>2278</u>	<u>2562</u>	<u>2798</u>	<u>2994</u>
20	<u>6550.00</u>	<u>1175</u>	<u>1827</u>	<u>2288</u>	<u>2573</u>	<u>2810</u>	<u>3008</u>
21	<u>6600.00</u>	<u>1179</u>	<u>1835</u>	<u>2299</u>	<u>2584</u>	<u>2822</u>	<u>3021</u>
22	<u>6650.00</u>	<u>1184</u>	<u>1843</u>	<u>2309</u>	<u>2595</u>	<u>2834</u>	<u>3034</u>
23	<u>6700.00</u>	<u>1189</u>	<u>1850</u>	<u>2317</u>	<u>2604</u>	<u>2845</u>	<u>3045</u>
24	<u>6750.00</u>	<u>1193</u>	<u>1856</u>	<u>2325</u>	<u>2613</u>	<u>2854</u>	<u>3055</u>
25	<u>6800.00</u>	<u>1196</u>	<u>1862</u>	<u>2332</u>	<u>2621</u>	<u>2863</u>	<u>3064</u>
26	<u>6850.00</u>	<u>1200</u>	<u>1868</u>	<u>2340</u>	<u>2630</u>	<u>2872</u>	<u>3074</u>
27	<u>6900.00</u>	<u>1204</u>	<u>1873</u>	<u>2347</u>	<u>2639</u>	<u>2882</u>	<u>3084</u>
28	<u>6950.00</u>	<u>1208</u>	<u>1879</u>	<u>2355</u>	<u>2647</u>	<u>2891</u>	<u>3094</u>
29	<u>7000.00</u>	<u>1212</u>	<u>1885</u>	<u>2362</u>	<u>2656</u>	<u>2900</u>	<u>3103</u>
30	<u>7050.00</u>	<u>1216</u>	<u>1891</u>	<u>2370</u>	<u>2664</u>	<u>2909</u>	<u>3113</u>
31	<u>7100.00</u>	<u>1220</u>	<u>1897</u>	<u>2378</u>	<u>2673</u>	<u>2919</u>	<u>3123</u>

1	<u>7150.00</u>	<u>1224</u>	<u>1903</u>	<u>2385</u>	<u>2681</u>	<u>2928</u>	<u>3133</u>
2	<u>7200.00</u>	<u>1228</u>	<u>1909</u>	<u>2393</u>	<u>2690</u>	<u>2937</u>	<u>3142</u>
3	<u>7250.00</u>	<u>1232</u>	<u>1915</u>	<u>2400</u>	<u>2698</u>	<u>2946</u>	<u>3152</u>
4	<u>7300.00</u>	<u>1235</u>	<u>1921</u>	<u>2408</u>	<u>2707</u>	<u>2956</u>	<u>3162</u>
5	<u>7350.00</u>	<u>1239</u>	<u>1927</u>	<u>2415</u>	<u>2716</u>	<u>2965</u>	<u>3172</u>
6	<u>7400.00</u>	<u>1243</u>	<u>1933</u>	<u>2423</u>	<u>2724</u>	<u>2974</u>	<u>3181</u>
7	<u>7450.00</u>	<u>1247</u>	<u>1939</u>	<u>2430</u>	<u>2733</u>	<u>2983</u>	<u>3191</u>
8	<u>7500.00</u>	<u>1251</u>	<u>1945</u>	<u>2438</u>	<u>2741</u>	<u>2993</u>	<u>3201</u>
9	<u>7550.00</u>	<u>1255</u>	<u>1951</u>	<u>2446</u>	<u>2750</u>	<u>3002</u>	<u>3211</u>
10	<u>7600.00</u>	<u>1259</u>	<u>1957</u>	<u>2453</u>	<u>2758</u>	<u>3011</u>	<u>3220</u>
11	<u>7650.00</u>	<u>1263</u>	<u>1963</u>	<u>2461</u>	<u>2767</u>	<u>3020</u>	<u>3230</u>
12	<u>7700.00</u>	<u>1267</u>	<u>1969</u>	<u>2468</u>	<u>2775</u>	<u>3030</u>	<u>3240</u>
13	<u>7750.00</u>	<u>1271</u>	<u>1975</u>	<u>2476</u>	<u>2784</u>	<u>3039</u>	<u>3250</u>
14	<u>7800.00</u>	<u>1274</u>	<u>1981</u>	<u>2483</u>	<u>2792</u>	<u>3048</u>	<u>3259</u>
15	<u>7850.00</u>	<u>1278</u>	<u>1987</u>	<u>2491</u>	<u>2801</u>	<u>3057</u>	<u>3269</u>
16	<u>7900.00</u>	<u>1282</u>	<u>1992</u>	<u>2498</u>	<u>2810</u>	<u>3067</u>	<u>3279</u>
17	<u>7950.00</u>	<u>1286</u>	<u>1998</u>	<u>2506</u>	<u>2818</u>	<u>3076</u>	<u>3289</u>
18	<u>8000.00</u>	<u>1290</u>	<u>2004</u>	<u>2513</u>	<u>2827</u>	<u>3085</u>	<u>3298</u>
19	<u>8050.00</u>	<u>1294</u>	<u>2010</u>	<u>2521</u>	<u>2835</u>	<u>3094</u>	<u>3308</u>
20	<u>8100.00</u>	<u>1298</u>	<u>2016</u>	<u>2529</u>	<u>2844</u>	<u>3104</u>	<u>3318</u>
21	<u>8150.00</u>	<u>1302</u>	<u>2022</u>	<u>2536</u>	<u>2852</u>	<u>3113</u>	<u>3328</u>
22	<u>8200.00</u>	<u>1306</u>	<u>2028</u>	<u>2544</u>	<u>2861</u>	<u>3122</u>	<u>3337</u>
23	<u>8250.00</u>	<u>1310</u>	<u>2034</u>	<u>2551</u>	<u>2869</u>	<u>3131</u>	<u>3347</u>
24	<u>8300.00</u>	<u>1313</u>	<u>2040</u>	<u>2559</u>	<u>2878</u>	<u>3141</u>	<u>3357</u>
25	<u>8350.00</u>	<u>1317</u>	<u>2046</u>	<u>2566</u>	<u>2887</u>	<u>3150</u>	<u>3367</u>
26	<u>8400.00</u>	<u>1321</u>	<u>2052</u>	<u>2574</u>	<u>2895</u>	<u>3159</u>	<u>3376</u>
27	<u>8450.00</u>	<u>1325</u>	<u>2058</u>	<u>2581</u>	<u>2904</u>	<u>3168</u>	<u>3386</u>
28	<u>8500.00</u>	<u>1329</u>	<u>2064</u>	<u>2589</u>	<u>2912</u>	<u>3178</u>	<u>3396</u>
29	<u>8550.00</u>	<u>1333</u>	<u>2070</u>	<u>2597</u>	<u>2921</u>	<u>3187</u>	<u>3406</u>
30	<u>8600.00</u>	<u>1337</u>	<u>2076</u>	<u>2604</u>	<u>2929</u>	<u>3196</u>	<u>3415</u>
31	<u>8650.00</u>	<u>1341</u>	<u>2082</u>	<u>2612</u>	<u>2938</u>	<u>3205</u>	<u>3425</u>

1	<u>8700.00</u>	<u>1345</u>	<u>2088</u>	<u>2619</u>	<u>2946</u>	<u>3215</u>	<u>3435</u>
2	<u>8750.00</u>	<u>1349</u>	<u>2094</u>	<u>2627</u>	<u>2955</u>	<u>3224</u>	<u>3445</u>
3	<u>8800.00</u>	<u>1352</u>	<u>2100</u>	<u>2634</u>	<u>2963</u>	<u>3233</u>	<u>3454</u>
4	<u>8850.00</u>	<u>1356</u>	<u>2106</u>	<u>2642</u>	<u>2972</u>	<u>3242</u>	<u>3464</u>
5	<u>8900.00</u>	<u>1360</u>	<u>2111</u>	<u>2649</u>	<u>2981</u>	<u>3252</u>	<u>3474</u>
6	<u>8950.00</u>	<u>1364</u>	<u>2117</u>	<u>2657</u>	<u>2989</u>	<u>3261</u>	<u>3484</u>
7	<u>9000.00</u>	<u>1368</u>	<u>2123</u>	<u>2664</u>	<u>2998</u>	<u>3270</u>	<u>3493</u>
8	<u>9050.00</u>	<u>1372</u>	<u>2129</u>	<u>2672</u>	<u>3006</u>	<u>3279</u>	<u>3503</u>
9	<u>9100.00</u>	<u>1376</u>	<u>2135</u>	<u>2680</u>	<u>3015</u>	<u>3289</u>	<u>3513</u>
10	<u>9150.00</u>	<u>1380</u>	<u>2141</u>	<u>2687</u>	<u>3023</u>	<u>3298</u>	<u>3523</u>
11	<u>9200.00</u>	<u>1384</u>	<u>2147</u>	<u>2695</u>	<u>3032</u>	<u>3307</u>	<u>3532</u>
12	<u>9250.00</u>	<u>1388</u>	<u>2153</u>	<u>2702</u>	<u>3040</u>	<u>3316</u>	<u>3542</u>
13	<u>9300.00</u>	<u>1391</u>	<u>2159</u>	<u>2710</u>	<u>3049</u>	<u>3326</u>	<u>3552</u>
14	<u>9350.00</u>	<u>1395</u>	<u>2165</u>	<u>2717</u>	<u>3058</u>	<u>3335</u>	<u>3562</u>
15	<u>9400.00</u>	<u>1399</u>	<u>2171</u>	<u>2725</u>	<u>3066</u>	<u>3344</u>	<u>3571</u>
16	<u>9450.00</u>	<u>1403</u>	<u>2177</u>	<u>2732</u>	<u>3075</u>	<u>3353</u>	<u>3581</u>
17	<u>9500.00</u>	<u>1407</u>	<u>2183</u>	<u>2740</u>	<u>3083</u>	<u>3363</u>	<u>3591</u>
18	<u>9550.00</u>	<u>1411</u>	<u>2189</u>	<u>2748</u>	<u>3092</u>	<u>3372</u>	<u>3601</u>
19	<u>9600.00</u>	<u>1415</u>	<u>2195</u>	<u>2755</u>	<u>3100</u>	<u>3381</u>	<u>3610</u>
20	<u>9650.00</u>	<u>1419</u>	<u>2201</u>	<u>2763</u>	<u>3109</u>	<u>3390</u>	<u>3620</u>
21	<u>9700.00</u>	<u>1422</u>	<u>2206</u>	<u>2767</u>	<u>3115</u>	<u>3396</u>	<u>3628</u>
22	<u>9750.00</u>	<u>1425</u>	<u>2210</u>	<u>2772</u>	<u>3121</u>	<u>3402</u>	<u>3634</u>
23	<u>9800.00</u>	<u>1427</u>	<u>2213</u>	<u>2776</u>	<u>3126</u>	<u>3408</u>	<u>3641</u>
24	<u>9850.00</u>	<u>1430</u>	<u>2217</u>	<u>2781</u>	<u>3132</u>	<u>3414</u>	<u>3647</u>
25	<u>9900.00</u>	<u>1432</u>	<u>2221</u>	<u>2786</u>	<u>3137</u>	<u>3420</u>	<u>3653</u>
26	<u>9950.00</u>	<u>1435</u>	<u>2225</u>	<u>2791</u>	<u>3143</u>	<u>3426</u>	<u>3659</u>
27	<u>10000.00</u>	<u>1437</u>	<u>2228</u>	<u>2795</u>	<u>3148</u>	<u>3432</u>	<u>3666</u>

28 Section 16. Section 62.401, Florida Statutes, is  
29 created to read:

30 62.401 Expenses to be added to the basic child support  
31 obligation.--Some types of expenditures related to

1 child-rearing represent either large expenses or expenses that  
2 may vary greatly from child to child and, for that reason, are  
3 not factored into the child support guidelines schedule.  
4 However, these types of expenditures are typically incurred by  
5 most children involved in child support proceedings and shall  
6 be considered mandatory expenditures to be added to the basic  
7 child support obligation.

8 (1) CHILD CARE RELATED TO EMPLOYMENT OR

9 EDUCATION.--Child care costs are not factored into the child  
10 support guidelines schedule. The net cost of child care  
11 related to employment or education that is incurred shall be  
12 added to the basic child support obligation, subject to the  
13 following considerations:

14 (a) Actual, reasonable, and necessary child care  
15 expenses for the child who is the subject of the support  
16 action, which are incurred due to employment of either parent  
17 or a search for employment by either parent, or to allow  
18 either parent to obtain training or education necessary to  
19 obtain a job or enhance earning potential, shall be added to  
20 the basic child support obligation and shall be divided  
21 between the parents in proportion to their respective incomes.  
22 The parent actually paying the child care costs shall receive  
23 a credit against his or her share of child support ordered to  
24 be paid. These costs shall not otherwise be reimbursed and  
25 shall not exceed the level required to provide quality care  
26 from a licensed source.

27 (b) The value of the federal income tax credit for  
28 child care may be subtracted from the actual cost of such care  
29 to arrive at a figure for net child care expenses. Child care  
30 expenses shall be reduced by 25 percent to reflect the federal

31

1 income tax credit for child care available to the primary  
2 residential parent.

3 (c) The court may not utilize a child care subsidy  
4 provided by the Department of Children and Family Services to  
5 reduce the child care expenses subject to allocation between  
6 the parents when the obligor has the financial resources to  
7 contribute to the actual costs of child care. The court may  
8 not order the obligee to seek a child care subsidy in order to  
9 reduce the obligor's share of child care expenses if the  
10 obligor has the financial ability to contribute to those  
11 expenses.

12 (d) The court may require verification of a parent's  
13 employment or school attendance, and documentation of child  
14 care expenses, on an annual basis.

15 (2) HEALTH INSURANCE FOR THE CHILD.--

16 (a) Each order for child support shall contain a  
17 provision for health insurance for the child when the  
18 insurance is carried by either parent, or is available at  
19 reasonable cost to either parent on a group basis through an  
20 employer, or is otherwise reasonably available. When either  
21 parent provides health insurance for the child who is the  
22 subject of the support action, the actual cost to the parent  
23 to provide the coverage for that child is to be added to the  
24 basic child support obligation. If the employer pays for some  
25 portion of coverage for the child, only that amount actually  
26 paid or contributed by the parent shall be added to the basic  
27 child support obligation. In any case, only that portion of  
28 the health insurance premiums which covers the child shall be  
29 added to the basic child support obligation.

30 (b) The actual cost of the health insurance premiums  
31 paid by a parent shall be added to the basic child support

1 obligation and shall be divided between the parents in  
2 proportion to their respective incomes. The parent actually  
3 paying the health insurance premiums shall receive a credit  
4 against his or her share of the child support ordered to be  
5 paid. When a parent has children from more than one  
6 relationship who are covered by the same health insurance, the  
7 court may apportion payments for health insurance costs among  
8 the various child support orders.

9 (c) If health insurance coverage pursuant to paragraph  
10 (a) is unavailable, the court shall direct either parent to  
11 apply for coverage on behalf of the child under any available  
12 state or federally funded insurance plan.

13 (3) UNREIMBURSED HEALTH CARE EXPENSES FOR THE CHILD.--

14 (a) Expenditures on ordinary unreimbursed health care  
15 of \$250 per child per year are factored into the child support  
16 guidelines schedule. Therefore, the obligor is, in effect,  
17 prepaying health care expenses every time a child support  
18 payment is made. The obligee is responsible for his or her  
19 proportional share of the amount of unreimbursed health care  
20 expenses assumed in the child support guidelines schedule  
21 before being eligible to receive further reimbursement from  
22 the obligor.

23 (b) Unreimbursed health care expenses in excess of  
24 \$250 per child per year are not included in the schedule.  
25 These expenses are defined as extraordinary health care  
26 expenses, which may be reasonable and necessary and may  
27 include, but not be limited to, costs for orthodontia, dental  
28 treatment, asthma treatment, physical therapy, chronic  
29 physical or mental health problems, prescription medications,  
30 and professional counseling or psychiatric therapy for  
31 diagnosed mental disorders. The court, at its discretion,

1 shall determine what extraordinary health care expenses are  
2 reasonable and necessary.

3 (c) For all allowable extraordinary health care  
4 expenses, the court shall distinguish between those expenses  
5 which are predictable and recurring and those which are not.  
6 When the expenses are recurring and can be reasonably  
7 predicted by the court at the time of establishment or  
8 modification of the support order, the court shall determine a  
9 monthly amount for those expenses and add that amount to the  
10 basic child support obligation, to be divided between the  
11 parents in proportion to their respective incomes.

12 (d) If there are extraordinary health care expenses  
13 which are unpredictable or nonrecurring, the court may order  
14 that such expenses, if incurred, be allocated in proportion to  
15 the parents' respective net incomes. The court may direct the  
16 obligor to pay his or her share either to the obligee or  
17 directly to the health care provider.

18 (e) After consideration of each parent's  
19 circumstances, a support order may include the time period for  
20 one parent to reimburse the other parent for the court-ordered  
21 share of the additional child support costs under this  
22 subsection, if the court deems it necessary. If such a  
23 provision is included in the support order, the parent  
24 incurring the costs shall provide the reimbursing parent with  
25 an itemized statement of the costs incurred, within a period  
26 of time and in a manner to be determined by the court. These  
27 costs shall then be paid as follows:

28 1. If a parent has already paid all of these costs,  
29 that parent shall provide proof of payment and a request for  
30 reimbursement of his or her court-ordered share to the other  
31 parent.



1           2. If a parent has paid his or her court-ordered share  
2 of the costs only, that parent shall provide proof of payment  
3 to the other parent, request the other parent to pay the  
4 remainder of the costs directly to the provider, and provide  
5 the reimbursing parent with any necessary information about  
6 how to make the payment to the provider.

7           Section 17. Section 62.402, Florida Statutes, is  
8 created to read:

9           62.402 Deviations from the aggregate child support  
10 obligation.--The amount resulting from the application of the  
11 child support guidelines schedule plus any additional child  
12 care costs and health insurance premiums and other health care  
13 costs is the aggregate child support obligation. The  
14 aggregate child support obligation apportioned between the  
15 parents is the amount of child support to be ordered, unless  
16 the court determines that the amount is unjust or  
17 inappropriate in a particular case. The court may deviate  
18 from the aggregate child support obligation apportioned  
19 between the parents to accommodate the particular needs of the  
20 child or the circumstances of a parent. Deviation from the  
21 aggregate child support obligation apportioned between the  
22 parents shall be the exception rather than the rule. In  
23 deviating from the aggregate child support obligation  
24 apportioned between the parents, the court must consider the  
25 factors set forth in this section. The reason for the  
26 deviation and the amount of the aggregate child support  
27 obligation apportioned between the parents must be specified  
28 in writing on the guidelines worksheet or in the support  
29 order. These written findings shall serve to clarify the  
30 basis for the support order in the event of a future action to  
31 modify or appeal the support action, and shall provide the

1 Legislature with information to determine whether future  
2 revisions to the child support guidelines are necessary and  
3 appropriate. The court may deviate from the amount of the  
4 aggregate child support obligation, or the amount of either or  
5 both parents' share of the aggregate child support obligation,  
6 after consideration of one or more of the following factors:  
7       (1) ELEMENTARY OR SECONDARY EDUCATION EXPENSES.--  
8           (a) The data upon which the child support guidelines  
9 schedule is based includes a component for ordinary  
10 educational expenses associated with elementary and secondary  
11 education. Any extraordinary educational expenses incurred on  
12 behalf of a child are beyond the schedule and shall be  
13 considered apart from the basic child support obligation.  
14           (b) Extraordinary educational expenses related to  
15 private, special, or enriched elementary or secondary  
16 education may include tuition, fees, and other costs  
17 associated with such education. With respect to such expenses,  
18 the court shall first consider the needs of the child,  
19 including the need to maintain the continuity of schooling and  
20 friendships, and shall then consider:  
21               1. Whether the expense is the result of a personal  
22 preference of one parent or whether both parents concur.  
23               2. Whether the child was enrolled in private or  
24 special school prior to the time support is sought.  
25               3. Whether the parents had the expectation that the  
26 child would attend private school.  
27               4. Whether education of the same or higher quality is  
28 available at less cost.  
29               5. Whether the parents have the financial ability to  
30 pay for the education.  
31

1 When the court determines, having considered the circumstances  
2 of the case and of the respective parents, and the best  
3 interests of the child, that the present or future provision  
4 of private, special, or enriched education for the child is  
5 appropriate, the court may order extraordinary educational  
6 expenses therefor. Any order of such expenses shall be limited  
7 to reasonable and necessary expenses for attending private or  
8 special schools.

9 (2) DEVIATIONS FOR PARENTING TIME, SHARED PARENTING,  
10 AND SPLIT CUSTODY OR SPLIT PARENTING.--

11 (a) The child support guidelines contemplate that the  
12 alternate residential parent who is making support payments  
13 has regular contact or parenting time, including vacation  
14 time, with his or her children and that he or she makes direct  
15 expenditures on behalf of the children. If this parenting time  
16 is less than 30 percent of the child's time, no deviation from  
17 the aggregate child support obligation pursuant to this  
18 section shall be made by the court. When, however, the child  
19 spends 30 percent or more of his or her time during the year  
20 with that parent, a rebuttable presumption exists that the  
21 alternate residential parent who is making support payments is  
22 entitled to a reduction in the basic child support obligation  
23 to reflect this additional time.

24 (b) The court shall deviate from the basic child  
25 support obligation if the child spends 30 percent or more of  
26 his or her time with the alternate residential parent who is  
27 making support payments. However, the court may not deviate on  
28 that basis if the deviation will result in insufficient funds  
29 in the household receiving the support to meet the basic needs  
30 of the child or if the child is receiving public assistance.  
31 When determining the amount of deviation, the court shall

1 consider evidence concerning the increased expenses to an  
2 alternate residential parent who is making support payments,  
3 resulting from the increased time the child spends with that  
4 parent, and shall consider the decreased expenses, if any, to  
5 the parent receiving the support on behalf of the child,  
6 resulting from the significant amount of time the child spends  
7 with the alternate residential parent who is making support  
8 payments. When parents are sharing residential  
9 responsibilities as provided in this paragraph, the court  
10 shall calculate the amount of child support as follows:  
11 1. Determine the combined net income of the parents.  
12 2. Determine the basic child support obligation  
13 pursuant to s. 62.304.  
14 3. Multiply the basic child support obligation by 1.5.  
15 4. Determine each parent's share of the increased  
16 support amount obtained pursuant to subparagraph 3. by  
17 multiplying the increased support amount by each parent's  
18 percentage share of income.  
19 5. Determine the percentage of overnights the child  
20 will be in the physical care of each parent. In the case of  
21 rotating custody or rotating parenting, each parent is  
22 presumed to have the child 50 percent of the time.  
23 6. Prorate the basic child support obligation for each  
24 parent by multiplying the obligation amount obtained in  
25 subparagraph 4. by the percentage of time the child will spend  
26 with each parent.  
27 7. Determine each parent's share of the support amount  
28 by subtracting the amount determined in subparagraph 6. from  
29 the amount determined in subparagraph 4.  
30 8. Subtract the smaller obligation from the larger  
31 obligation. The parent owing the greater support obligation

1 shall be ordered to pay the difference in the amount of  
2 support to the other parent, unless the court determines,  
3 pursuant to other provisions of the child support guidelines,  
4 that it should deviate from the provisions of this paragraph.

5 (c) When there is more than one child in common and  
6 each parent provides primary residential care for at least one  
7 of the children, there is a split custody or split parenting  
8 situation. Because the income-shares model for the child  
9 support guidelines schedule is based on the assumption that  
10 each additional child costs proportionately less to raise, the  
11 basic child support obligation for two children in a single  
12 household is less than for two children living in two  
13 households. Therefore, it is not appropriate to compute a  
14 single support amount for all children and then apportion the  
15 amount between the parents based on the number of children  
16 residing with the other parent. When a split custody or split  
17 parenting situation exists, the court shall use combined  
18 parental income to calculate separate basic child support  
19 obligations for the children residing with each parent. The  
20 two obligations shall then be offset to arrive at a single  
21 obligation which one parent pays to the other to correctly  
22 apportion their combined income.

23 (d) In those situations where each parent has primary  
24 residential responsibilities for one or more children, the  
25 amount of child support shall be computed in the following  
26 manner:

27 1. Compute the basic child support obligation the  
28 father would owe to the mother for the children living with  
29 her as if they were the only children of the parents.

30  
31

1           2. Compute the basic child support obligation the  
2 mother would owe the father for the children living with him  
3 as if they were the only children of the parents.

4           3. Subtract the lesser support obligation from the  
5 greater. The parent owing the greater support obligation shall  
6 be ordered to pay the difference in the amount of support to  
7 the other parent, unless the court determines, pursuant to  
8 other provisions of the child support guidelines, that it  
9 should deviate from the provisions of this paragraph.

10           (e) Transportation expenses related to parenting time  
11 shall be determined by the court on a case-by-case basis and  
12 may be considered as a reason to deviate. Such expenses may be  
13 adjusted at any time the court deems it equitable. The courts  
14 shall not automatically require the alternate residential  
15 parent to bear the entire expense for transportation of the  
16 child for purposes of parenting time. Among other factors, the  
17 court shall consider the reason for the geographic distance  
18 between the parents and the financial resources of each  
19 parent.

20           (3) AGE OF THE CHILD.--The child support guidelines  
21 schedule is based on child-rearing expenditures that are  
22 averaged across the entire age range of 0 through 17 years.  
23 This averaging means that child support for younger children  
24 is slightly overstated due to the higher level of expenditures  
25 for older children. If child support is ordered by the court  
26 while the child is under 6 years of age and continues until  
27 the child reaches 18 years of age, the net effect is  
28 negligible. A support order entered when a child is under 6  
29 years of age shall not be adjusted later for age, since the  
30 higher expenditures for older children will be received during  
31 the child's early childhood. Initial support orders for

1 children in their teens are understated by the averaging and  
2 shall be adjusted upward to compensate for this effect and to  
3 compensate for higher expenditures associated with children 12  
4 through 17 years of age.

5 (4) FEDERAL INCOME TAX EXEMPTION.--

6 (a) The child support guidelines schedule assumes that  
7 the primary residential parent claims the federal income tax  
8 exemption for a child due support. Notwithstanding this fact,  
9 the court shall review each case on an individual basis and  
10 make a determination pursuant to this subsection in the  
11 context of the case.

12 (b) Under current law, the federal income tax  
13 exemption for a child due support cannot be awarded to an  
14 alternate residential parent, but the court may order the  
15 parent to release or sign over the exemption for one or more  
16 of the children to the alternate residential parent. The  
17 release may be made, annually, for a specified number of  
18 years, or permanently. The court may order the release to be  
19 executed on an annual basis, contingent upon support being  
20 current at the end of the calendar year for which the  
21 exemption is ordered, as an additional incentive to keep child  
22 support payments current. The court may also specify a date by  
23 which the release is to be delivered to the alternate  
24 residential parent each year, when applicable.

25 (c) Shifting the tax exemption for minor children does  
26 not alter the filing status of either parent.

27 (d) The federal income tax credit for child care may  
28 still be claimed by a primary residential parent who has  
29 released the income tax exemption for the child for whom the  
30 credit is claimed. The release of the income tax exemption  
31

1 also does not affect the ability of the head of household to  
2 claim the federal earned income credit.

3 (e) In determining when to order release of a tax  
4 exemption, the court shall consider, at a minimum, the  
5 following factors:

6 1. The value of the exemption at the marginal tax rate  
7 of each parent.

8 2. The income of each parent.

9 3. The age of the child and how long the exemption  
10 will be available.

11 4. The percentage of the cost of supporting the child  
12 borne by each parent.

13 5. The financial burden assumed by each parent under  
14 the property settlement in the case.

15 (5) LOW-INCOME PARENTS.--

16 (a) The child support guidelines schedule includes a  
17 self-support reserve which allows a low-income obligor to  
18 retain a minimal amount of income before being ordered to pay  
19 a full basic child support obligation. This provision ensures  
20 that the obligor has sufficient income available to maintain a  
21 minimum standard of living, so as to maintain his or her  
22 earning capacity, incentive to continue working, and ability  
23 to provide for himself or herself. In addition, if the  
24 obligor's income is just above the poverty level, the amount  
25 of child support ordered to be paid is adjusted downward from  
26 the level that would otherwise be calculated. This downward  
27 adjustment is intended to leave the obligor with enough income  
28 after payment of child support to live at or above the poverty  
29 level for one person.

30 (b) A child support obligation shall be established in  
31 each case where the obligor has any income. Although the



1 payment by the obligor may not be sufficient to meet the needs  
2 of the child, all parents must understand the parental  
3 obligation to support children to the extent of the parent's  
4 ability. Equally important is the consideration of fostering  
5 relationships between parents and children which may arise out  
6 of the recognition of the provision of support by the parent.

7 (c) The minimum payments specified pursuant to this  
8 subsection are presumptive and may be rebutted by the  
9 circumstances of a particular case, provided there is an  
10 appropriate written finding on the record.

11 (6) HIGH-INCOME PARENTS.--The child support guidelines  
12 schedule is not meant to be applied in those cases where the  
13 parents' combined net income exceeds \$12,500 per month. In  
14 cases where the parents' income exceeds this limit, the court  
15 shall consider the child support obligation at the maximum  
16 level as a minimum presumptive child support obligation, and  
17 additional amounts of child support may be ordered at the  
18 court's discretion. The court shall consider that the child  
19 should share in the standard of living of both parents in  
20 determining the additional amounts to be ordered. The court  
21 may order an amount of child support in addition to a  
22 guidelines-based amount for parents whose combined net income  
23 exceeds \$12,500 per month, to be placed in a trust, or in a  
24 guardianship of the property, for the benefit of the child.

25 (7) ADDITIONAL FACTORS THAT MAY REQUIRE A  
26 DEVIATION.--At the discretion of the court, the following  
27 factors may require deviation from the guidelines-based amount  
28 of child support:

29 (a) Independent income of the child, not to include  
30 moneys received by a child from supplemental security income  
31 (SSI).

1       (b) Special needs, including costs that may be  
2 associated with the disability of a child, that have  
3 traditionally been met within the family budget.

4       (c) Substantiated financial obligations for elder care  
5 of a parent that existed before the filing of the support  
6 action.

7       (d) Cases involving the placement of children in  
8 foster care or with another third party.

9       (e) Any other deviation that is needed to achieve an  
10 equitable result.

11       (8) FACTORS NOT TO BE USED FOR A DEVIATION.--At the  
12 discretion of the court, the following factors, without  
13 limitation, are not to be used as justification for a  
14 deviation:

15       (a) The court may allow the alternate residential  
16 parent to care for a child while the primary residential  
17 parent is working or attending school. Allowing the alternate  
18 residential parent to care for the child shall not be a reason  
19 to deviate.

20       (b) Ordinarily, the existence of debt shall not  
21 constitute a justification for deviation. In establishing or  
22 modifying an ordered child support obligation, the court may  
23 consider debts owed to private creditors as a deviation  
24 factor, but only if:

25       1. The right to support has not been assigned under s.  
26 409.2561; and

27       2. The court determines that the debt was reasonably  
28 incurred for necessary support of the child or parent or for  
29 the necessary generation of income. If the debt was incurred  
30 for the necessary generation of income, the court shall  
31

1 consider only the amount of the debt that is essential to the  
2 continuing generation of income.

3 Section 18. Section 62.403, Florida Statutes, is  
4 created to read:

5 62.403 Prior orders for child support.--To the extent  
6 that prior orders for child support are actually being paid,  
7 the court shall deduct those payments from the obligor's gross  
8 income before applying the child support guidelines to  
9 determine the amount of support to be paid in the pending  
10 action for child support. For purposes of this section, "prior  
11 orders" refers only to orders for child support for children  
12 other than the child who is the subject of the pending action.

13 Section 19. Section 62.404, Florida Statutes, is  
14 created to read:

15 62.404 Support for subsequent families.--A parent with  
16 a child support obligation may have other children living with  
17 him or her who were born or adopted after the obligation  
18 arose. The existence of such subsequent children shall not, as  
19 a general rule, be considered by the court as a basis for  
20 disregarding the amounts provided in the child support  
21 guidelines schedule. A parent with a child support obligation  
22 for subsequent children may raise the existence of such  
23 subsequent children as a justification for deviation from the  
24 amounts provided in the schedule. However, if the existence of  
25 such subsequent children is raised, the income of the other  
26 parent of the subsequent children shall be considered by the  
27 court in determining whether or not there is a basis for  
28 deviation from the amounts provided in the schedule. The issue  
29 of subsequent children may only be raised in a proceeding for  
30 an upward modification of an existing child support obligation

31

1 and may not be applied to justify a decrease in an existing  
2 obligation.

3 Section 20. Section 62.405, Florida Statutes, is  
4 created to read:

5 62.405 Determination of child support obligations.--

6 (1) Child support determinations are based on the  
7 combined monthly net income of the parents, as follows:

8 (a) Gross income shall be determined on a monthly  
9 basis for the obligor and the obligee pursuant to s. 62.301.

10 (b) Net income for the obligor and net income for the  
11 obligee shall be computed by subtracting allowable deductions  
12 from gross income pursuant to s. 62.302.

13 (c) Net income for the obligor and net income for the  
14 obligee shall be added together for a combined net income.

15 (d) The combined net income shall be applied to the  
16 child support guidelines schedule to determine the basic child  
17 support obligation.

18 (e) Any child care costs related to employment or  
19 education calculated pursuant to s. 62.401(1) shall be added  
20 to the basic child support obligation.

21 (f) Any costs related to health insurance premiums for  
22 the child determined pursuant to s. 62.401(2) shall be added  
23 to the basic child support obligation.

24 (g) Any predictable and recurring unreimbursed health  
25 care expenses above \$250 per child per year determined  
26 pursuant to s. 62.401(3) shall be added to the basic child  
27 support obligation.

28  
29 The amount of the aggregate child support obligation is  
30 determined by adding the basic child support obligation, net  
31 child care costs related to employment or education, health

1 insurance costs for the child, and predictable and recurring  
2 unreimbursed health care costs above \$250 per child per year.

3 (2) The following calculations shall be made to  
4 determine the amount of child support contained in the support  
5 order:

6 (a) Determine each parent's percentage share of the  
7 aggregate child support obligation by dividing each parent's  
8 net income by the combined net income.

9 (b) Determine each parent's actual dollar share of the  
10 aggregate child support obligation by multiplying the amount  
11 of the aggregate child support obligation by each parent's  
12 percentage share.

13  
14 Direct payments for child care related to employment or  
15 education, the child's share of health insurance premiums, and  
16 predictable and recurring unreimbursed health care costs for  
17 the child above \$250 per child per year are calculated as  
18 follows: The amount of the obligee's percentage share of the  
19 expenses for which direct payment is made is subtracted from  
20 the aggregate child support obligation of the parent who made  
21 the expenditure to determine that parent's child support  
22 obligation. The child support obligation of the alternate  
23 residential parent is the amount of the child support  
24 contained in the support order, which is paid for the benefit  
25 of the children. The child support obligation of the primary  
26 residential parent is considered to be spent on the children  
27 during the course of providing for their daily needs.

28 (3) The court may adjust the aggregate child support  
29 obligation, or either or both parents' share of the child  
30 support obligation, upon consideration of the factors for

31

1 deviation from the guidelines-based amount provided in s.  
2 62.402.

3 (4) All information presented to the court or the  
4 Title IV-D agency shall be based upon monthly amounts. If a  
5 parent receives weekly income, the weekly amount must be  
6 multiplied by 52 and divided by 12 months to arrive at a  
7 correct monthly amount. If a parent receives income twice a  
8 month, the semimonthly amount by must be multiplied by two to  
9 arrive at a correct monthly amount. If a party receives income  
10 every 2 weeks, the biweekly amount must be multiplied by 26  
11 pay periods per year and divided by 12 months to arrive at the  
12 correct monthly amount.

13 (5) Calculations shall be rounded to the nearest tenth  
14 for percentages and to the nearest dollar, in all instances.  
15 When the parents' combined net income falls halfway or more  
16 than halfway between the two income figures, the higher figure  
17 shall be used. When the parents' combined net income falls  
18 less than halfway between two income figures, the lower figure  
19 shall be used.

20 (6) Monthly figures shall be used to calculate the  
21 child support obligation. Any adjustments to the amount of the  
22 child support obligation shall be annualized so that each  
23 month's obligation is increased or decreased by an equal  
24 amount, rather than particular months' obligations being  
25 abated, increased, or decreased.

26 Section 21. Section 62.406, Florida Statutes, is  
27 created to read:

28 62.406 Settlement agreements.--

29 (1) When provisions for child support are delineated  
30 in an agreement between the parents and are not determined  
31 according to the child support guidelines, the court shall

1 determine whether the application of the guidelines would be  
2 in the child's best interest or would be inappropriate or  
3 unjust in the particular case. All stipulated agreements for  
4 child support must be reviewed against the guidelines, and if  
5 a deviation exists and is approved by the court, specific  
6 findings giving the reason for the deviation must be made. The  
7 findings must state the amount of child support that would  
8 have been ordered under the guidelines and include a  
9 justification of why the order deviates from the  
10 guidelines-based amount.

11 (2) Nothing in this section shall be construed to mean  
12 that parents are not permitted to voluntarily enter into  
13 agreements that deviate from the ordered child support  
14 obligation provided pursuant to these guidelines, provided  
15 such agreements comply with the provisions of this section.

16 Section 22. Section 62.501, Florida Statutes, is  
17 created to read:

18 62.501 Modification of an existing support order.--

19 (1) The child support guidelines may provide the basis  
20 for proving a substantial change in circumstances upon which a  
21 motion for modification of an existing support order may be  
22 granted. However, the difference between the existing monthly  
23 child support amount and the amount provided for under the  
24 child support guidelines schedule must be at least 15 percent  
25 or \$50, whichever amount is greater, before the court may find  
26 that the guidelines provide a substantial change in  
27 circumstances that may warrant a modification of the amount of  
28 child support ordered to be paid.

29 (2) Whenever the court grants a motion to modify an  
30 existing support order, the court may, in its discretion,  
31 order a phase-in of the new ordered child support obligation.

1 In the event the court grants a request for a phase-in  
2 pursuant to this section, the difference between the phase-in  
3 amount of child support and the new ordered child support  
4 obligation shall accrue as an arrearage to be repaid in a  
5 manner to be determined by the court.

6 (3) In Title IV-D cases reviewed pursuant to the  
7 3-year review and adjustment cycle, no change of circumstance  
8 need be proven to warrant a modification of support.

9 Section 23. Section 62.502, Florida Statutes, is  
10 created to read:

11 62.502 Retroactive child support.--

12 (1) In an initial determination of child support,  
13 whether in a paternity action, dissolution of marriage action,  
14 or petition for child support during the marriage, the court  
15 has discretion to order child support retroactive to the date  
16 when the parents did not reside together in the same household  
17 with the child, not to exceed a period of 24 months preceding  
18 the filing of the petition, regardless of whether that date  
19 precedes the filing of the petition.

20 (2) In ordering retroactive child support, the court  
21 shall apply the child support guidelines in effect at the time  
22 of the hearing, subject to documentation of the income of the  
23 obligor, as provided for in s. 62.303, during the retroactive  
24 period. Absent such documentation, the court shall use the  
25 income of the obligor at the time of the hearing in  
26 determining the amount of the child support to be ordered for  
27 the retroactive period.

28 (3) In addition to the income of the obligor, the  
29 court shall also consider whether:

30  
31



1       (a) The mother of the child had made any previous  
2 attempts to notify the biological father of his paternity or  
3 probable paternity.

4       (b) Evidence of domestic violence or child abuse  
5 affected the mother of the child's decision not to attempt to  
6 notify the biological father of his paternity or probable  
7 paternity.

8       (c) The biological father had knowledge of his  
9 paternity or probable paternity.

10       (d) The order of retroactive child support will cause  
11 undue financial hardship on the obligor or the obligor's  
12 family.

13       (e) The obligor has made actual payments to the  
14 primary residential parent or the child or third parties, for  
15 the benefit of the child, throughout the proposed retroactive  
16 period.

17       (4) The court shall consider an installment payment  
18 plan for the payment of retroactive child support.

19       Section 24. Section 62.503, Florida Statutes, is  
20 created to read:

21       62.503 Accountability of the obligee for child support  
22 received.--

23       (1) At the time of entering a support order, or at any  
24 time thereafter upon a showing of reasonable cause to believe  
25 that child support is not being used for the support of the  
26 child, the court may enter an order requiring the obligee to  
27 report to the court on terms prescribed by the court regarding  
28 the disposition of the child support for the child for whom  
29 support has been ordered. The court shall take into  
30 consideration that, while the obligee may be able to account  
31 for direct costs of child support such as clothing and school

1 expenses, it is extremely difficult to account for indirect  
2 costs such as a share of the housing, transportation,  
3 utilities, and food.

4 (2) The court shall not order the obligee to provide  
5 information regarding disposition of child support pursuant to  
6 subsection (1) in circumstances where the obligor has failed  
7 to exercise parenting time rights or when child support  
8 payments are in arrears, the support received by the obligee  
9 is \$400 or less per month, or there is documented evidence of  
10 domestic violence, child abuse, or a violation of a  
11 restraining order on the part of the obligor. The court may  
12 order the obligor to pay the costs involved in preparing the  
13 information regarding disposition of child support. If the  
14 obligor claims, based upon the information provided, that the  
15 obligee is not spending the child support for the benefit of  
16 the child, the court may refer the parents to information  
17 regarding disposition of child support to resolve the  
18 differences. If there are costs for such mediation, the court  
19 shall order the parent requesting the information regarding  
20 disposition of child support to pay the costs.

21 (3) The provisions of this section are prospective in  
22 application and discretionary with the court. A financial  
23 accounting may not be ordered as to child support payments  
24 previously paid.

25 Section 25. Section 62.504, Florida Statutes, is  
26 created to read:

27 62.504 Noncooperation in public assistance cases.--For  
28 purposes of establishing an ordered child support obligation  
29 in accordance with this chapter, if a person who is receiving  
30 public assistance is found to be noncooperative as defined in  
31 s. 409.2572, the Title IV-D agency is authorized to submit to

1 the court an affidavit attesting to the income of the primary  
2 residential parent based upon information available to the  
3 Title IV-D agency.

4 Section 26. Section 62.601, Florida Statutes, is  
5 created to read:

6 62.601 Emancipation and termination of child  
7 support.--

8 (1)(a) Any court of competent jurisdiction, in the  
9 exercise of sound discretion, may direct either or both  
10 parents to provide financial assistance to a child who has not  
11 previously married or become emancipated, who is enrolled in  
12 and attending a secondary school, and who has attained the age  
13 of majority before completing his or her secondary school  
14 education, provided that such financial assistance shall not  
15 be required after a child attains 20 years of age. The  
16 provisions for support in this section may be enforced by  
17 either parent or by the child for whose benefit the support is  
18 ordered.

19 (b) A parent who, at the time the child becomes  
20 emancipated, is delinquent in the payment of support for that  
21 child pursuant to a support order shall continue to make the  
22 payments for the child support as previously ordered until the  
23 arrearages are paid.

24 (c) Child support orders for two or more children  
25 shall be stated as a total amount of child support obligation  
26 for the children, rather than as separate amounts on a  
27 per-child basis. Further, the concept of pro rata delineation  
28 of child support is generally inconsistent with the economic  
29 assumptions underlying the child support guidelines. In a  
30 support order that provides for more than one child, the  
31 ordered child support obligation is not automatically modified

1 when one of the children reaches the age of majority or is not  
2 otherwise entitled to child support pursuant to the support  
3 order. If there is more than one child, the modified support  
4 order shall specify the amount of child support due for the  
5 children, with the amount being recalculated and reduced as  
6 the obligation to support terminates for each child.

7 (2)(a) Any court of competent jurisdiction, in  
8 exercise of sound discretion, may direct either or both  
9 parents to provide financial assistance beyond the age of  
10 majority for a child who is dependent due to a mental or  
11 physical disability until the child is no longer affected by  
12 the disability or until the child becomes self-supporting,  
13 provided the disability began before the child reached the age  
14 of majority.

15 (b) For purposes of this subsection, a child is  
16 self-supporting if he or she receives public assistance beyond  
17 the age of majority and the public assistance is sufficient to  
18 meet the child's needs.

19 (c) As used in this subsection, "disability" means the  
20 inability to engage in any substantial gainful activity by  
21 reason of any medically determinable physical or mental  
22 impairment which can be expected to result in death or which  
23 has lasted or can be expected to last for a continuous period  
24 of not less than 12 months.

25 (d) This subsection does not impair or otherwise  
26 affect the eligibility of a disabled person to receive  
27 benefits from a source other than his or her parents.

28 (3) The basic child support obligation as determined  
29 by the child support guidelines schedule is based on economic  
30 data for the average expenditures by a family for a child  
31 through 17 years of age. When a child receives support at 18

1 years of age and beyond due to special circumstances, the  
2 amount of that support shall be determined not according to  
3 the schedule but according to the particular needs of the  
4 child. If the court finds that it is appropriate for the  
5 parents to continue support for the child, the court shall  
6 terminate child support and enter an order requiring both  
7 parents to contribute a sum determined to be reasonable for  
8 the needs of the child.

9 (4) Nothing in this section shall preclude the parents  
10 from stipulating in a written agreement to continue support  
11 for a child beyond the age of majority, or to provide for  
12 postsecondary education expenses for a child and to set forth  
13 the details of the payment of such expenses.

14 Section 27. Section 62.701, Florida Statutes, is  
15 created to read:

16 62.701 Review of guidelines.--

17 (1) The Legislature shall review, and revise if  
18 appropriate, the child support guidelines established in this  
19 chapter at least once every 4 years, as required by federal  
20 law, to ensure that their application results in orders for  
21 appropriate amounts of child support. As a part of its review,  
22 the Legislature must consider economic data on the cost of  
23 raising children and analyze case data, gathered through  
24 sampling or other methods, on the application of the child  
25 support guidelines and deviations from the amounts in the  
26 child support guidelines schedule. The analyses of data must  
27 be used in the review process to ensure that deviations from  
28 the guidelines are limited.

29 (2) The review shall also consider the latest  
30 information on issues including, but not limited to, the  
31 following:

- 1       (a) The treatment of children from prior or subsequent  
2 relationships.
- 3       (b) The application of the child support guidelines in  
4 cases where the obligor has an extraordinarily low or an  
5 extraordinarily high income.
- 6       (c) The application of the child support guidelines in  
7 cases where each parent has the child more than 30 percent of  
8 the time or where each parent has primary residential custody  
9 of one or more of the children of the marriage.
- 10       (d) The treatment of the income of a subsequent spouse  
11 or nonmarital partner.
- 12       (e) Whether the child support guidelines affect child  
13 custody litigation or the efficiency of the judicial process.
- 14       (3) In conducting its review, the Legislature shall  
15 consult with a broad cross-section of groups involved in child  
16 support issues, including, but not limited to:
- 17           (a) Primary residential and alternate residential  
18 parents.
- 19           (b) Members of the judiciary.
- 20           (c) Representatives from the Department of Revenue.
- 21           (d) Representatives from the Department of Children  
22 and Family Services.
- 23           (e) The Family Law Section of The Florida Bar.
- 24           (f) Academicians specializing in family law.
- 25           (g) Economists.
- 26           (h) Persons representing low-income parents.
- 27       (4) As a part of its review, the Legislature shall  
28 seek public comment and shall be guided by the legislative  
29 intent of this chapter that children share in the standard of  
30 living of both of their parents.
- 31

1           Section 28. Subsection (11) of section 39.402, Florida  
2 Statutes, is amended to read:

3           39.402 Placement in a shelter.--

4           (11) If a child is placed in a shelter pursuant to a  
5 court order following a shelter hearing, the court shall  
6 require in the shelter hearing order that the parents of the  
7 child, or the guardian of the child's estate, if possessed of  
8 assets which under law may be disbursed for the care, support,  
9 and maintenance of the child, to pay, to the department or  
10 institution having custody of the child, fees as established  
11 by the department. When the order affects the guardianship  
12 estate, a certified copy of the order shall be delivered to  
13 the judge having jurisdiction of the guardianship estate. The  
14 shelter order shall also require the parents to provide to the  
15 department and any other state agency or party designated by  
16 the court, within 28 days after entry of the shelter order,  
17 the financial information necessary to accurately calculate  
18 child support pursuant to chapter 62 ~~s. 61.30~~.

19           Section 29. Paragraph (r) of subsection (2) of section  
20 39.508, Florida Statutes, is amended to read:

21           39.508 Disposition hearings; powers of disposition.--

22           (2) The predisposition study shall cover for any  
23 dependent child all factors specified in s. 61.13(3), and must  
24 also provide the court with the following documented  
25 information:

26           (r) If the child has been removed from the home, a  
27 determination of the amount of child support each parent will  
28 be required to pay pursuant to chapter 62 ~~s. 61.30~~.

29  
30 Any other relevant and material evidence, including other  
31 written or oral reports, may be received by the court in its

1 effort to determine the action to be taken with regard to the  
2 child and may be relied upon to the extent of its probative  
3 value, even though not competent in an adjudicatory hearing.  
4 Except as otherwise specifically provided, nothing in this  
5 section prohibits the publication of proceedings in a hearing.

6 Section 30. Subsection (12) of section 409.2564,  
7 Florida Statutes, is amended to read:

8 409.2564 Actions for support.--

9 (12) The Title IV-D agency shall review support orders  
10 in IV-D cases at least every 3 years upon request by either  
11 party, or the agency in cases where there is an assignment of  
12 support to the state under s. 414.095(8), and may seek  
13 adjustment of the order if appropriate under the guidelines  
14 established in chapter 62 ~~s. 61.30~~. Not less than once every 3  
15 years the IV-D agency shall provide notice to the parties  
16 subject to the order informing them of their right to request  
17 a review and, if appropriate, an adjustment of the support  
18 order. Said notice requirement may be met by including  
19 appropriate language in the initial support order or any  
20 subsequent orders.

21 Section 31. Subsection (7) of section 414.38, Florida  
22 Statutes, is amended to read:

23 414.38 Pilot work experience and job training for  
24 noncustodial parents program.--

25 (7) If the obligor becomes employed before starting  
26 the pilot program or becomes employed through the efforts of  
27 the local work experience and job training pilot program  
28 service provider, but cannot earn an adequate wage level for  
29 court-ordered child support as determined by chapter 62 ~~s.~~  
30 ~~61.30~~ or otherwise by a court of competent jurisdiction, the  
31 service provider shall assist the obligor in obtaining federal



1 earned-income tax credits and, if the wages and the  
2 earned-income tax credits are less than an adequate amount for  
3 the court-ordered child support, the service provider shall  
4 attempt to obtain additional or improved employment for the  
5 obligor. To determine whether the obligor has an adequate  
6 wage level, the following criteria shall be considered:

7 (a) All earnings, income, and resources of the  
8 obligor.

9 (b) The ability of the obligor to earn.

10 (c) The reasonable necessities of the obligor.

11 (d) The needs of the dependent child for whom support  
12 is sought.

13 Section 32. Subsection (1) of section 742.031, Florida  
14 Statutes, is amended to read:

15 742.031 Hearings; court orders for support, hospital  
16 expenses, and attorney's fee.--

17 (1) Hearings for the purpose of establishing or  
18 refuting the allegations of the complaint and answer shall be  
19 held in the chambers and may be restricted to persons, in  
20 addition to the parties involved and their counsel, as the  
21 judge in his or her discretion may direct. The court shall  
22 determine the issues of paternity of the child and the ability  
23 of the parents to support the child. Each party's social  
24 security number shall be recorded in the file containing the  
25 adjudication of paternity. If the court finds that the alleged  
26 father is the father of the child, it shall so order. If  
27 appropriate, the court shall order the father to pay the  
28 complainant, her guardian, or any other person assuming  
29 responsibility for the child moneys sufficient to pay  
30 reasonable attorney's fees, hospital or medical expenses, cost  
31 of confinement, and any other expenses incident to the birth

1 of the child and to pay all costs of the proceeding. Bills  
2 for pregnancy, childbirth, and scientific testing are  
3 admissible as evidence without requiring third-party  
4 foundation testimony, and shall constitute prima facie  
5 evidence of amounts incurred for such services or for testing  
6 on behalf of the child. The court shall order either or both  
7 parents owing a duty of support to the child to pay support  
8 pursuant to chapter 62 s. 61.30. The court shall issue, upon  
9 motion by a party, a temporary order requiring the provision  
10 of child support pursuant to chapter 62 s. 61.30 pending an  
11 administrative or judicial determination of parentage, if  
12 there is clear and convincing evidence of paternity on the  
13 basis of genetic tests or other evidence. The court may also  
14 make a determination as to the parental responsibility and  
15 residential care and custody of the minor children in  
16 accordance with chapter 61.

17 Section 33. Subsection (2) of section 743.07, Florida  
18 Statutes, is amended to read:

19 743.07 Rights, privileges, and obligations of persons  
20 18 years of age or older.--

21 (2) This section shall not prohibit any court of  
22 competent jurisdiction from requiring support for a dependent  
23 person beyond the age of 18 years pursuant to s. 62.601 ~~when~~  
24 ~~such dependency is because of a mental or physical incapacity~~  
25 ~~which began prior to such person reaching majority or if the~~  
26 ~~person is dependent in fact, is between the ages of 18 and 19,~~  
27 ~~and is still in high school, performing in good faith with a~~  
28 ~~reasonable expectation of graduation before the age of 19.~~

29 Section 34. Section 61.30, Florida Statutes, is  
30 repealed.

31

