

By Senator Sebesta

16-960-05

1 A bill to be entitled
 2 An act relating to the child support
 3 guidelines; amending s. 61.30, F.S.; creating a
 4 rebuttable presumption that a parent is able to
 5 earn minimum wage, as set by the United States
 6 Department of Labor; providing for the parent
 7 to present his or her rebuttal before a trier
 8 of fact; providing an effective date.
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 10 Be It Enacted by the Legislature of the State of Florida:
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 12 Section 1. Paragraph (b) of subsection (2) of section
 13 61.30, Florida Statutes, is amended to read:
 14 61.30 Child support guidelines; retroactive child
 15 support.--
 16 (2) Income shall be determined on a monthly basis for
 17 the obligor and for the obligee as follows:
 18 (b) Income on a monthly basis shall be imputed to an
 19 unemployed or underemployed parent when such employment or
 20 underemployment is found to be voluntary on that parent's
 21 part, absent physical or mental incapacity or other
 22 circumstances over which the parent has no control. In the
 23 event of such voluntary unemployment or underemployment, the
 24 employment potential and probable earnings level of the parent
 25 shall be determined based upon his or her recent work history,
 26 occupational qualifications, and prevailing earnings level in
 27 the community; however, the court may refuse to impute income
 28 to a primary residential parent if the court finds it
 29 necessary for the parent to stay home with the child. Any
 30 person found to be the parent of a child or children in this
 31 state is presumed to be able to earn minimum wage, as set by

1 the United States Department of Labor. This presumption is a
2 rebuttable presumption. Any parent seeking to rebut this
3 presumption may present evidence at a hearing noticed for the
4 purpose of establishing child support before a trier of fact.

5 Section 2. This act shall take effect July 1, 2005.

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8 SENATE SUMMARY

9 Creates a rebuttable presumption that parents in this
10 state are able to earn minimum wage. Creates a procedure
11 by which a parent can rebut this presumption before a
12 trier of fact.
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