

1 A bill to be entitled
 2 An act relating to the child support guidelines; amending
 3 s. 61.30, F.S.; creating a rebuttable presumption that a
 4 parent is able to earn minimum wage, as set by the United
 5 States Department of Labor; providing for the parent to
 6 present his or her rebuttal before a trier of fact;
 7 providing an effective date.

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

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11 Section 1. Paragraph (b) of subsection (2) of section
 12 61.30, Florida Statutes, is amended to read:

13 61.30 Child support guidelines; retroactive child
 14 support.--

15 (2) Income shall be determined on a monthly basis for the
 16 obligor and for the obligee as follows:

17 (b) Income on a monthly basis shall be imputed to an
 18 unemployed or underemployed parent when such employment or
 19 underemployment is found to be voluntary on that parent's part,
 20 absent physical or mental incapacity or other circumstances over
 21 which the parent has no control. In the event of such voluntary
 22 unemployment or underemployment, the employment potential and
 23 probable earnings level of the parent shall be determined based
 24 upon his or her recent work history, occupational
 25 qualifications, and prevailing earnings level in the community;
 26 however, the court may refuse to impute income to a primary
 27 residential parent if the court finds it necessary for the
 28 parent to stay home with the child. Any person found to be the

HB 919

2005

29 parent of a child or children in this state is presumed to be
30 able to earn minimum wage, as set by the United States
31 Department of Labor. This presumption is a rebuttable
32 presumption. Any parent seeking to rebut this presumption may
33 present evidence at a hearing noticed for the purpose of
34 establishing child support before a trier of fact.

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