

By the Committee on Children and Families; and Senator Rich

586-2123-06

1 A bill to be entitled
2 An act relating to child support; amending s.
3 61.13, F.S.; requiring either or both parents
4 who owe support to secure a child support
5 award; amending s. 61.30, F.S.; providing that
6 the amount of a child support award resulting
7 from the application of the child support
8 guidelines schedule creates a rebuttable
9 presumption of correctness; providing
10 circumstances in which specified variances in
11 awards require a written finding; providing for
12 modification of existing orders; providing for
13 the determination of gross income; providing
14 for the imputation of income under certain
15 circumstances; providing for the determination
16 of net income; providing the child support
17 guidelines schedule; providing for
18 determination of the amount of child support
19 for low-income and high-income parents;
20 providing for child care costs and health care
21 costs to be added to the minimum obligation;
22 revising factors to be considered by the court
23 in adjusting child support awards; providing
24 for shared parenting arrangements; providing
25 for calculation of child support orders in
26 cases of split parenting arrangements;
27 specifying the method for determining the
28 amount of a child support order; requiring
29 submission of financial affidavits; providing
30 for the consideration of subsequent children;
31 providing for income information in the event

1 of noncooperation by a public assistance
2 recipient for purposes of child support;
3 providing for review of the child support
4 guidelines; providing for retroactive child
5 support; amending s. 409.2564, F.S.; providing
6 a threshold for arrearages before passport
7 restrictions apply; amending s. 409.25641,
8 F.S.; requiring the Department of Revenue to
9 employ automated administrative enforcement of
10 support orders in interstate cases; authorizing
11 the department to establish a corresponding
12 case under certain circumstances; providing for
13 a review and report by the Office of Program
14 Policy Analysis and Government Accountability;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraphs (a) and (c) of subsection (1) of
20 section 61.13, Florida Statutes, are amended to read:

21 61.13 Custody and support of children; visitation
22 rights; power of court in making orders.--

23 (1)(a) In a proceeding under this chapter, the court
24 may at any time order either or both parents who owe a duty of
25 support to a child to pay support in accordance with the child
26 support guidelines in s. 61.30. The court initially entering
27 an order requiring one or both parents to make child support
28 payments shall have continuing jurisdiction after the entry of
29 the initial order to modify the amount and terms and
30 conditions of the child support payments when the modification
31 is found necessary by the court in the best interests of the

1 child, when the child reaches majority, or when there is a
2 substantial change in the circumstances of the parties. The
3 court initially entering a child support order shall also have
4 continuing jurisdiction to require the obligee to report to
5 the court on terms prescribed by the court regarding the
6 disposition of the child support payments.

7 (c) To the extent necessary to protect an award of
8 child support, the court may order either or both parents who
9 owe a duty of support to a child ~~the obligor~~ to purchase or
10 maintain a life insurance policy or a bond, or to otherwise
11 secure the child support award with any other assets which may
12 be suitable for that purpose, depending upon the equities of
13 the cause.

14 Section 2. Section 61.30, Florida Statutes, is amended
15 to read:

16 61.30 Child support guidelines; guidelines schedule;
17 retroactive child support.--

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

1 guideline amount would be unjust or inappropriate.

2 Notwithstanding the variance limitations of this section, the
3 trier of fact shall order payment of child support which
4 varies from the guideline amount as provided in paragraph
5 (11)(b) whenever any of the children are required by court
6 order or mediation agreement to spend a substantial amount of
7 time with the primary and secondary residential parents. This
8 requirement applies to any living arrangement, whether
9 temporary or permanent.

10 (b) The guidelines may provide the basis for proving a
11 substantial change in circumstances upon which a modification
12 of an existing order may be granted. However, the difference
13 between the existing monthly obligation and the amount
14 provided for under the guidelines shall be at least 15 percent
15 or \$50, whichever amount is greater, before the court may find
16 that the guidelines provide a substantial change in
17 circumstances.

18 (c) For each support order reviewed by the department
19 as required by s. 409.2564(11), if the amount of the child
20 support award under the order differs by at least 10 percent
21 but not less than \$25 from the amount that would be awarded
22 under s. 61.30, the department shall seek to have the order
23 modified and any modification shall be made without a
24 requirement for proof or showing of a change in circumstances.

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

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

- 29 1. Salary or wages.
- 30 2. Bonuses, commissions, allowances, overtime, tips,
31 and other similar payments.

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

6 4. Disability benefits.

7 5. All workers' compensation benefits and settlements.

8 6. Unemployment compensation.

9 7. Pension, retirement, or annuity payments.

10 8. Social security benefits.

11 9. Spousal support received from a previous marriage
12 or court ordered in the marriage before the court.

13 10. Interest and dividends.

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

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

18 13. Reimbursed expenses or in kind payments to the
19 extent that they reduce living expenses.

20 14. Gains derived from dealings in property, unless
21 the gain is nonrecurring.

22 (b)1. Income on a monthly basis shall be imputed to an
23 unemployed or underemployed parent when such employment or
24 underemployment is found by the court to be voluntary on that
25 parent's part, absent a finding of fact by the court of
26 physical or mental incapacity or other circumstances over
27 which the parent has no control. In the event of such
28 voluntary unemployment or underemployment, the employment
29 potential and probable earnings level of the parent shall be
30 determined based upon his or her recent work history,
31 occupational qualifications, and prevailing earnings level in

1 | the community as provided in this paragraph; however, the
2 | court may refuse to impute income to a primary residential
3 | parent if the court finds it necessary for the parent to stay
4 | home with the child who is the subject of the child support
5 | calculation to care for that child.

6 | 2. In order for the court to impute income under
7 | subparagraph 1., the court must make specific findings of fact
8 | consistent with the requirements of this paragraph. The party
9 | seeking to impute income has the burden to present competent,
10 | substantial evidence:

11 | a. That the unemployment or underemployment is
12 | voluntary; and

13 | b. That identifies the amount and source of the
14 | imputed income, through evidence of available income from
15 | employment for which the party is suitably qualified by
16 | education, experience, current licensure, or geographic
17 | location, with due consideration being given to the parties'
18 | current existing parental obligations and time-sharing plan
19 | and their historical compliance with the plan.

20 | 3. A rebuttable presumption shall exist, which
21 | entitles the court to impute Florida minimum wage to a parent
22 | if no other evidentiary basis or mechanism for establishing a
23 | parent's gross income is available, absent a finding by the
24 | court that:

25 | a. The parent has a physical or mental incapacity that
26 | renders the parent unemployable or underemployed;

27 | b. The parent needs to stay home with a child who is
28 | the subject of the child support calculation proceedings and
29 | care for that child, thereby preventing the parent's
30 | employment or rendering the parent underemployed; or
31 |

1 c. There are other circumstances over which the parent
2 has no control, except for penal incarceration, which prevents
3 the parent from earning an income.

4
5 If evidence is produced which demonstrates that the parent is
6 a resident of another state, the state minimum wage applicable
7 to the parent's state of residence shall apply if it is
8 greater than the Florida minimum wage. In the absence of a
9 state minimum wage or if the other state's minimum wage is
10 lower than the Florida minimum wage, the federal minimum wage
11 as determined by the United States Department of Labor shall
12 apply.

13 4. Income may not be imputed beyond minimum wage
14 requirements in subparagraph 3. based upon:

15 a. Income records that are more than 5 years old at
16 the time of the hearing or trial at which imputation is
17 sought.

18 b. Income at a level that a party has not previously
19 earned, unless recently degreed, licensed, certified,
20 relicensed, or recertified and thus qualified for, subject to
21 geographic location, with due consideration being given to the
22 parties' current existing parental obligations and
23 time-sharing plan and their historical compliance with the
24 plan.

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

27 (3)(a) Net income is obtained by subtracting allowable
28 deductions from gross income. Allowable deductions shall
29 include:

30
31

1 (a) Federal, state, and local income tax deductions,
2 adjusted for actual filing status and allowable dependents and
3 income tax liabilities.

4 (b) Federal insurance contributions or self-employment
5 tax.

6 (c) Mandatory union dues.

7 (d) Mandatory retirement payments.

8 (e) Health insurance payments, excluding payments for
9 coverage of the minor child.

10 (f) Court-ordered support for other children which is
11 actually paid.

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

14 (4) Net income for each parent ~~the obligor and net~~
15 ~~income for the obligee~~ shall be computed by subtracting
16 allowable deductions from gross income.

17 (5) Net income for each parent ~~the obligor and net~~
18 ~~income for the obligee~~ shall be added together for a combined
19 net income.

20 (6) The following schedules shall be applied to the
21 combined net income to determine the minimum child support
22 need:

23 Combined

24 Monthly

25 Available

Child or Children

Income	One	Two	Three	Four	Five	Six
650.00	74	75	75	76	77	78
700.00	119	120	121	123	124	125
750.00	164	166	167	169	171	173
800.00	190	211	213	216	218	220
850.00	202	257	259	262	265	268

1	900.00	213	302	305	309	312	315
2	950.00	224	347	351	355	359	363
3	1000.00	235	365	397	402	406	410
4	1050.00	246	382	443	448	453	458
5	1100.00	258	400	489	495	500	505
6	1150.00	269	417	522	541	547	553
7	1200.00	280	435	544	588	594	600
8	1250.00	290	451	565	634	641	648
9	1300.00	300	467	584	659	688	695
10	1350.00	310	482	603	681	735	743
11	1400.00	320	498	623	702	765	790
12	1450.00	330	513	642	724	789	838
13	1500.00	340	529	662	746	813	869
14	1550.00	350	544	681	768	836	895
15	1600.00	360	560	701	790	860	920
16	1650.00	370	575	720	812	884	945
17	1700.00	380	591	740	833	907	971
18	1750.00	390	606	759	855	931	996
19	1800.00	400	622	779	877	955	1022
20	1850.00	410	638	798	900	979	1048
21	1900.00	421	654	818	923	1004	1074
22	1950.00	431	670	839	946	1029	1101
23	2000.00	442	686	859	968	1054	1128
24	2050.00	452	702	879	991	1079	1154
25	2100.00	463	718	899	1014	1104	1181
26	2150.00	473	734	919	1037	1129	1207
27	2200.00	484	751	940	1060	1154	1234
28	2250.00	494	767	960	1082	1179	1261
29	2300.00	505	783	980	1105	1204	1287
30	2350.00	515	799	1000	1128	1229	1314
31	2400.00	526	815	1020	1151	1254	1340

1	2450.00	536	831	1041	1174	1279	1367
2	2500.00	547	847	1061	1196	1304	1394
3	2550.00	557	864	1081	1219	1329	1420
4	2600.00	568	880	1101	1242	1354	1447
5	2650.00	578	896	1121	1265	1379	1473
6	2700.00	588	912	1141	1287	1403	1500
7	2750.00	597	927	1160	1308	1426	1524
8	2800.00	607	941	1178	1328	1448	1549
9	2850.00	616	956	1197	1349	1471	1573
10	2900.00	626	971	1215	1370	1494	1598
11	2950.00	635	986	1234	1391	1517	1622
12	3000.00	644	1001	1252	1412	1540	1647
13	3050.00	654	1016	1271	1433	1563	1671
14	3100.00	663	1031	1289	1453	1586	1695
15	3150.00	673	1045	1308	1474	1608	1720
16	3200.00	682	1060	1327	1495	1631	1744
17	3250.00	691	1075	1345	1516	1654	1769
18	3300.00	701	1090	1364	1537	1677	1793
19	3350.00	710	1105	1382	1558	1700	1818
20	3400.00	720	1120	1401	1579	1723	1842
21	3450.00	729	1135	1419	1599	1745	1867
22	3500.00	738	1149	1438	1620	1768	1891
23	3550.00	748	1164	1456	1641	1791	1915
24	3600.00	757	1179	1475	1662	1814	1940
25	3650.00	767	1194	1493	1683	1837	1964
26	3700.00	776	1208	1503	1702	1857	1987
27	3750.00	784	1221	1520	1721	1878	2009
28	3800.00	793	1234	1536	1740	1899	2031
29	3850.00	802	1248	1553	1759	1920	2053
30	3900.00	811	1261	1570	1778	1940	2075
31	3950.00	819	1275	1587	1797	1961	2097

1	4000.00	828	1288	1603	1816	1982	2119
2	4050.00	837	1302	1620	1835	2002	2141
3	4100.00	846	1315	1637	1854	2023	2163
4	4150.00	854	1329	1654	1873	2044	2185
5	4200.00	863	1342	1670	1892	2064	2207
6	4250.00	872	1355	1687	1911	2085	2229
7	4300.00	881	1369	1704	1930	2106	2251
8	4350.00	889	1382	1721	1949	2127	2273
9	4400.00	898	1396	1737	1968	2147	2295
10	4450.00	907	1409	1754	1987	2168	2317
11	4500.00	916	1423	1771	2006	2189	2339
12	4550.00	924	1436	1788	2024	2209	2361
13	4600.00	933	1450	1804	2043	2230	2384
14	4650.00	942	1463	1821	2062	2251	2406
15	4700.00	951	1477	1838	2081	2271	2428
16	4750.00	959	1490	1855	2100	2292	2450
17	4800.00	968	1503	1871	2119	2313	2472
18	4850.00	977	1517	1888	2138	2334	2494
19	4900.00	986	1530	1905	2157	2354	2516
20	4950.00	993	1542	1927	2174	2372	2535
21	5000.00	1000	1551	1939	2188	2387	2551
22	5050.00	1006	1561	1952	2202	2402	2567
23	5100.00	1013	1571	1964	2215	2417	2583
24	5150.00	1019	1580	1976	2229	2432	2599
25	5200.00	1025	1590	1988	2243	2447	2615
26	5250.00	1032	1599	2000	2256	2462	2631
27	5300.00	1038	1609	2012	2270	2477	2647
28	5350.00	1045	1619	2024	2283	2492	2663
29	5400.00	1051	1628	2037	2297	2507	2679
30	5450.00	1057	1638	2049	2311	2522	2695
31	5500.00	1064	1647	2061	2324	2537	2711

1	5550.00	1070	1657	2073	2338	2552	2727
2	5600.00	1077	1667	2085	2352	2567	2743
3	5650.00	1083	1676	2097	2365	2582	2759
4	5700.00	1089	1686	2109	2379	2597	2775
5	5750.00	1096	1695	2122	2393	2612	2791
6	5800.00	1102	1705	2134	2406	2627	2807
7	5850.00	1107	1713	2144	2418	2639	2820
8	5900.00	1111	1721	2155	2429	2651	2833
9	5950.00	1116	1729	2165	2440	2663	2847
10	6000.00	1121	1737	2175	2451	2676	2860
11	6050.00	1126	1746	2185	2462	2688	2874
12	6100.00	1131	1754	2196	2473	2700	2887
13	6150.00	1136	1762	2206	2484	2712	2900
14	6200.00	1141	1770	2216	2495	2724	2914
15	6250.00	1145	1778	2227	2506	2737	2927
16	6300.00	1150	1786	2237	2517	2749	2941
17	6350.00	1155	1795	2247	2529	2761	2954
18	6400.00	1160	1803	2258	2540	2773	2967
19	6450.00	1165	1811	2268	2551	2785	2981
20	6500.00	1170	1819	2278	2562	2798	2994
21	6550.00	1175	1827	2288	2573	2810	3008
22	6600.00	1179	1835	2299	2584	2822	3021
23	6650.00	1184	1843	2309	2595	2834	3034
24	6700.00	1189	1850	2317	2604	2845	3045
25	6750.00	1193	1856	2325	2613	2854	3055
26	6800.00	1196	1862	2332	2621	2863	3064
27	6850.00	1200	1868	2340	2630	2872	3074
28	6900.00	1204	1873	2347	2639	2882	3084
29	6950.00	1208	1879	2355	2647	2891	3094
30	7000.00	1212	1885	2362	2656	2900	3103
31	7050.00	1216	1891	2370	2664	2909	3113

1	7100.00	1220	1897	2378	2673	2919	3123
2	7150.00	1224	1903	2385	2681	2928	3133
3	7200.00	1228	1909	2393	2690	2937	3142
4	7250.00	1232	1915	2400	2698	2946	3152
5	7300.00	1235	1921	2408	2707	2956	3162
6	7350.00	1239	1927	2415	2716	2965	3172
7	7400.00	1243	1933	2423	2724	2974	3181
8	7450.00	1247	1939	2430	2733	2983	3191
9	7500.00	1251	1945	2438	2741	2993	3201
10	7550.00	1255	1951	2446	2750	3002	3211
11	7600.00	1259	1957	2453	2758	3011	3220
12	7650.00	1263	1963	2461	2767	3020	3230
13	7700.00	1267	1969	2468	2775	3030	3240
14	7750.00	1271	1975	2476	2784	3039	3250
15	7800.00	1274	1981	2483	2792	3048	3259
16	7850.00	1278	1987	2491	2801	3057	3269
17	7900.00	1282	1992	2498	2810	3067	3279
18	7950.00	1286	1998	2506	2818	3076	3289
19	8000.00	1290	2004	2513	2827	3085	3298
20	8050.00	1294	2010	2521	2835	3094	3308
21	8100.00	1298	2016	2529	2844	3104	3318
22	8150.00	1302	2022	2536	2852	3113	3328
23	8200.00	1306	2028	2544	2861	3122	3337
24	8250.00	1310	2034	2551	2869	3131	3347
25	8300.00	1313	2040	2559	2878	3141	3357
26	8350.00	1317	2046	2566	2887	3150	3367
27	8400.00	1321	2052	2574	2895	3159	3376
28	8450.00	1325	2058	2581	2904	3168	3386
29	8500.00	1329	2064	2589	2912	3178	3396
30	8550.00	1333	2070	2597	2921	3187	3406
31	8600.00	1337	2076	2604	2929	3196	3415

1	8650.00	1341	2082	2612	2938	3205	3425
2	8700.00	1345	2088	2619	2946	3215	3435
3	8750.00	1349	2094	2627	2955	3224	3445
4	8800.00	1352	2100	2634	2963	3233	3454
5	8850.00	1356	2106	2642	2972	3242	3464
6	8900.00	1360	2111	2649	2981	3252	3474
7	8950.00	1364	2117	2657	2989	3261	3484
8	9000.00	1368	2123	2664	2998	3270	3493
9	9050.00	1372	2129	2672	3006	3279	3503
10	9100.00	1376	2135	2680	3015	3289	3513
11	9150.00	1380	2141	2687	3023	3298	3523
12	9200.00	1384	2147	2695	3032	3307	3532
13	9250.00	1388	2153	2702	3040	3316	3542
14	9300.00	1391	2159	2710	3049	3326	3552
15	9350.00	1395	2165	2717	3058	3335	3562
16	9400.00	1399	2171	2725	3066	3344	3571
17	9450.00	1403	2177	2732	3075	3353	3581
18	9500.00	1407	2183	2740	3083	3363	3591
19	9550.00	1411	2189	2748	3092	3372	3601
20	9600.00	1415	2195	2755	3100	3381	3610
21	9650.00	1419	2201	2763	3109	3390	3620
22	9700.00	1422	2206	2767	3115	3396	3628
23	9750.00	1425	2210	2772	3121	3402	3634
24	9800.00	1427	2213	2776	3126	3408	3641
25	9850.00	1430	2217	2781	3132	3414	3647
26	9900.00	1432	2221	2786	3137	3420	3653
27	9950.00	1435	2225	2791	3143	3426	3659
28	10000.00	1437	2228	2795	3148	3432	3666
29							
30	For combined monthly available income less than the amount set						
31	out on the above schedules, the parent should be ordered to						

1 pay a child support amount, determined on a case-by-case
2 basis, to establish the principle of payment and lay the basis
3 for increased orders should the parent's income increase in
4 the future. For combined monthly available income greater than
5 the amount set out in the above schedules, the obligation
6 shall be the minimum amount of support provided by the
7 guidelines schedule plus the following percentages multiplied
8 by the amount of income over \$10,000:

9

10 Child or Children

11

12 One	Two	Three	Four	Five	Six
13 5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

14

15 (7) Child care costs incurred on behalf of the
16 children due to employment, job search, or education
17 calculated to result in employment or to enhance income of
18 current employment of either parent shall be ~~reduced by 25~~
19 ~~percent and then shall be~~ added to the basic obligation. After
20 the ~~adjusted~~ child care costs are added to the basic
21 obligation, any moneys prepaid by the noncustodial parent for
22 child care costs for the child or children of this action
23 shall be deducted from that noncustodial parent's child
24 support obligation for that child or those children. Child
25 care costs shall not exceed the level required to provide
26 quality care from a licensed source for the children.

27 (8) Health insurance costs resulting from coverage
28 ordered pursuant to s. 61.13(1)(b), and any noncovered
29 medical, dental, and prescription medication expenses of the
30 child, shall be added to the basic obligation unless these
31 expenses have been ordered to be separately paid on a

1 percentage basis. After the health insurance costs are added
2 to the basic obligation, any moneys prepaid by the
3 noncustodial parent for health-related costs for the child or
4 children of this action shall be deducted from that
5 noncustodial parent's child support obligation for that child
6 or those children.

7 (9) Each parent's percentage share of the child
8 support need shall be determined by dividing each parent's net
9 monthly income by the combined net monthly income.

10 (10) The total minimum child support need shall be
11 determined by adding child care costs and health insurance
12 costs to the minimum child support need. Each parent's actual
13 dollar share of the total minimum child support need shall be
14 determined by multiplying the minimum child support need by
15 each parent's percentage share of the combined monthly net
16 income.

17 (11)(a) The court may adjust the total minimum child
18 support award, or either or both parents' share of the minimum
19 child support award, based upon the following deviation
20 factors considerations:

21 1. Extraordinary medical, psychological, educational,
22 or dental expenses.

23 2. Independent income of the child, not to include
24 moneys received by a child from supplemental security income.

25 3. The payment of support for a parent which regularly
26 has been paid and for which there is a demonstrated need.

27 4. Seasonal variations in one or both parents' incomes
28 or expenses.

29 5. The age of the child, taking into account the
30 greater needs of older children.

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1 6. Special needs, such as costs that may be associated
2 with the disability of a child, that have traditionally been
3 met within the family budget even though the fulfilling of
4 those needs will cause the support to exceed the presumptive
5 amount established by the ~~proposed~~ guidelines.

6 7. Total available assets of the obligee, obligor, and
7 the child.

8 8. The impact of the Internal Revenue Service
9 dependency exemption and waiver of that exemption and the
10 impact of any federal child care tax credit. The court may
11 order the primary residential parent to execute a waiver of
12 the Internal Revenue Service dependency exemption if the
13 noncustodial parent is current in support payments.

14 9. When application of the child support guidelines
15 requires a person to pay another person more than 55 percent
16 of his or her gross income for a child support obligation for
17 current support resulting from a single support order.

18 10. The particular parenting ~~shared parental~~
19 arrangement, such as where the child spends a significant
20 amount of time, but less than 20 ~~40~~ percent of the overnights,
21 with the noncustodial parent, thereby reducing the financial
22 expenditures incurred by the primary residential parent; or
23 the refusal of the noncustodial parent to become involved in
24 the activities of the child.

25 11. Any other adjustment which is needed to achieve an
26 equitable result which may include, but not be limited to, a
27 reasonable and necessary existing expense or debt. Such
28 expense or debt may include, but is not limited to, a
29 reasonable and necessary expense or debt which the parties
30 jointly incurred during the marriage.

31

1 (b) Whenever a particular parenting ~~shared parental~~
2 arrangement provides that each child spend a substantial
3 amount of time with each parent, the court shall adjust any
4 award of child support, as follows:

5 1. In accordance with subsections (9) and (10),
6 calculate the amount of support obligation apportioned to the
7 noncustodial parent without including day care and health
8 insurance costs in the calculation and multiply the amount by
9 1.5.

10 2. In accordance with subsections (9) and (10),
11 calculate the amount of support obligation apportioned to the
12 custodial parent without including day care and health
13 insurance costs in the calculation and multiply the amount by
14 1.5.

15 3. Calculate the percentage of overnight stays the
16 child spends with each parent.

17 4. Multiply the noncustodial parent's support
18 obligation as calculated in subparagraph 1. by the percentage
19 of the custodial parent's overnight stays with the child as
20 calculated in subparagraph 3.

21 5. Multiply the custodial parent's support obligation
22 as calculated in subparagraph 2. by the percentage of the
23 noncustodial parent's overnight stays with the child as
24 calculated in subparagraph 3.

25 6. The difference between the amounts calculated in
26 subparagraphs 4. and 5. shall be the monetary transfer
27 necessary between the custodial and noncustodial parents for
28 the care of the child, subject to an adjustment for day care
29 and health insurance expenses.

30 7. Pursuant to subsections (7) and (8), calculate the
31 net amounts owed by the custodial and noncustodial parents for

1 the expenses incurred for day care and health insurance
2 coverage for the child. ~~Day care shall be calculated without~~
3 ~~regard to the 25 percent reduction applied by subsection (7).~~

4 8. Adjust the support obligation owed by the custodial
5 or noncustodial parent pursuant to subparagraph 6. by
6 crediting or debiting the amount calculated in subparagraph 7.
7 This amount represents the child support which must be
8 exchanged between the custodial and noncustodial parents.

9 9. The court may deviate from the child support amount
10 calculated pursuant to subparagraph 8. based upon the
11 considerations set forth in paragraph (a), as well as the
12 ~~custodial parent's~~ low income of either parent or the
13 inability of either parent ~~and ability~~ to maintain the basic
14 necessities of the home for the child, the likelihood that the
15 noncustodial parent will actually exercise the visitation
16 granted by the court, and whether all of the children are
17 exercising the same parenting ~~shared parental~~ arrangement.

18 10. For purposes of adjusting any award of child
19 support under this paragraph, "substantial amount of time"
20 means that the noncustodial parent exercises visitation at
21 least 20 ~~40~~ percent of the overnights of the year.

22 (c) A noncustodial parent's failure to exercise
23 court-ordered or agreed visitation not caused by the custodial
24 parent which resulted in the adjustment of the amount of child
25 support pursuant to subparagraph (a)10. or paragraph (b) shall
26 be deemed a substantial change of circumstances for purposes
27 of modifying the child support award. A modification pursuant
28 to this paragraph shall be retroactive to the date the
29 noncustodial parent first failed to regularly exercise
30 court-ordered or agreed visitation.

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1 (d) A split parenting arrangement exists when there is
2 more than one child in common and each parent has the majority
3 of the overnight timesharing for at least one of the children.
4 In cases involving split parenting arrangements, the court
5 shall calculate and issue a separate child support order for
6 each parent based on the number of children for which that
7 parent has the majority of the overnight timesharing, and the
8 difference between the two calculations is the amount to be
9 paid by the parent with the higher child support order amount.

10 (12)(a) A parent with a support obligation may have
11 other children living with him or her who were born or adopted
12 after the support obligation arose. If such subsequent
13 children exist, the court, when considering an upward
14 modification of an existing award, may disregard the income
15 from secondary employment obtained in addition to the parent's
16 primary employment if the court determines that the employment
17 was obtained primarily to support the subsequent children.

18 (b) Except as provided in paragraph (a), the existence
19 of such subsequent children should not as a general rule be
20 considered by the court as a basis for disregarding the amount
21 provided in the guidelines schedule. The parent with a support
22 obligation for subsequent children may raise the existence of
23 such subsequent children as a justification for deviation from
24 the guidelines schedule. However, if the existence of such
25 subsequent children is raised, the income of the other parent
26 of the subsequent children shall be considered by the court in
27 determining whether or not there is a basis for deviation from
28 the guideline amount.

29 (c) The issue of subsequent children under paragraph
30 (a) or paragraph (b) may only be raised in a proceeding for an
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1 upward modification of an existing award and may not be
2 applied to justify a decrease in an existing award.

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

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

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

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

29 (17) In an initial determination of child support,
30 whether in a paternity action, dissolution of marriage action,
31 or petition for support during the marriage, the court has

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

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

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

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

21 Section 3. Subsection (10) of section 409.2564,
22 Florida Statutes, is amended to read:

23 409.2564 Actions for support.--

24 (10) For the purposes of denial, revocation, or
25 limitation of an individual's United States passport,
26 consistent with 42 U.S.C. s. 652(k)(1), the Title IV-D agency
27 shall have procedures to certify to the Secretary of the
28 United States Department of Health and Human Services, in the
29 format and accompanied by such supporting documentation as the
30 secretary may require, a determination that an individual owes
31 arrearages of support in an amount exceeding ~~\$2,500~~ \$5,000.

1 Said procedures shall provide that the individual be given
2 notice of the determination and of the consequence thereof and
3 that the individual shall be given an opportunity to contest
4 the accuracy of the determination.

5 Section 4. Section 409.25641, Florida Statutes, is
6 amended to read:

7 409.25641 Procedures for processing automated
8 administrative enforcement requests.--

9 (1) The department ~~Title IV D agency~~ shall use
10 automated administrative enforcement, as defined in Title IV-D
11 of the Social Security Act, in response to a request from
12 another state to enforce a support order and shall promptly
13 report the results of enforcement action to the requesting
14 state.

15 (2) This request:

16 (a) May be transmitted from the other state by
17 electronic or other means.†

18 (b) Shall contain sufficient identifying information
19 to allow comparison with the databases within the state which
20 are available to the department. ~~Title IV D agency;~~ and

21 (c) Shall constitute a certification by the requesting
22 state:

23 1. Of the amount of arrearage accrued under the order;
24 and

25 2. That the requesting state has complied with all
26 procedural due process requirements applicable to the case.

27 (3) If assistance is provided by the department ~~Title~~
28 ~~IV D agency~~ to another state as prescribed above, the
29 department may not ~~neither state shall~~ consider the case to be
30 transferred from the caseload of the other state to the
31 caseload of the department, but the department may establish a

1 corresponding case based on the other state's request for
2 assistance ~~Title IV D agency.~~

3 (4) The department ~~Title IV D agency~~ shall maintain a
4 record of:

5 (a) The number of requests received;

6 (b) The number of cases for which the department ~~Title~~
7 ~~IV D agency~~ collected support in response to such a request;
8 and

9 (c) The amount of such collected support.

10 (5) The department shall have authority to adopt rules
11 to implement this section.

12 Section 5. The Office of Program Policy Analysis and
13 Government Accountability shall evaluate the effectiveness of
14 the system currently used for complying with the federally
15 required review of Florida's child support guidelines every 4
16 years. The evaluation shall include a comparison of all
17 available methodologies being used by other states in
18 conducting their reviews of their child support guidelines and
19 include recommendations for either maintaining the current
20 review process with the Legislature or transferring the
21 responsibility to another entity. A report shall be submitted
22 to the Governor, the President of the Senate, and the Speaker
23 of the House of Representatives by January 31, 2007.

24 Section 6. This act shall take effect July 1, 2006.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1700
4 Amends s. 61.30, F.S., relating to child support guidelines to
5 provide additional clarity and standards for imputing income
6 for the purpose of determining the amount of a child support
7 award.
8 Eliminates the automatic reduction in child care costs related
9 to the 25 percent federal child care credit.
10 Reduces the 40 percent threshold in shared parenting time for
11 a setoff in the amount of a child support award to 20 percent.
12 Provides an explanation of the term "split parenting
13 arrangement" and direction for calculating child support
14 awards when those arrangements exist.
15 Requires a study by OPPAGA to evaluate the current process for
16 reviewing and revising Florida's child support guidelines and
17 requires a report from this study containing recommendations
18 for improving the existing process or implementing a new one.
19 Amends s. 409.2564, F.S., relating to actions for support, to
20 reduce the arrearage threshold for denial of a passport.
21 Amends s. 409.25641, F.S., relating to automated
22 administrative enforcement in interstate cases, to provide
23 states with the option of establishing a corresponding case
24 based on another state's administrative enforcement of an
25 interstate case request.
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