

By Senator Sebesta

16-290-06

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, 2006.

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8 SENATE SUMMARY

9 Creates a rebuttable presumption that a parent is able to  
10 earn minimum wage, as set by the United States Department  
11 of Labor. Provides that a parent may present evidence to  
12 rebut the presumption at a child-support hearing.  
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