

HB 7217

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1 A bill to be entitled
2 An act relating to child support; amending s. 61.13, F.S.;
3 requiring either or both parents who owe support to secure
4 a child support award; amending s. 61.30, F.S.; providing
5 conditions for the imputation of income by the court under
6 certain circumstances; providing for the determination of
7 net income; providing the child support guidelines
8 schedule; revising amount of child care costs to be added
9 to the basic child support obligation; revising method for
10 calculating each parent's percentage share of the child
11 support need; revising method of calculating the total
12 minimum child support need; revising factors to be
13 considered by the court in adjusting child support awards;
14 providing for calculation of child support orders in cases
15 of split parenting arrangements; specifying the method for
16 determining a child support order amount; amending s.
17 409.2564, F.S.; providing a threshold for arrearages
18 before passport restrictions apply; amending s. 409.25641,
19 F.S.; requiring the Department of Revenue to employ
20 automated administrative enforcement of support orders in
21 interstate cases; authorizing the department to establish
22 a corresponding case under certain circumstances;
23 requiring the Office of Program Policy Analysis and
24 Government Accountability to evaluate state compliance
25 with federally required review of child support guidelines
26 and provide a report to the Governor and Legislature;
27 providing an effective date.
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29 Be It Enacted by the Legislature of the State of Florida:

30

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

33 61.13 Custody and support of children; visitation rights;
 34 power of court in making orders.--

35 (1)(a) In a proceeding under this chapter, the court may
 36 at any time order either or both parents who owe a duty of
 37 support to a child to pay support in accordance with the child
 38 support guidelines in s. 61.30. The court initially entering an
 39 order requiring one or both parents to make child support
 40 payments shall have continuing jurisdiction after the entry of
 41 the initial order to modify the amount and terms and conditions
 42 of the child support payments when the modification is found
 43 necessary by the court in the best interests of the child, when
 44 the child reaches majority, or when there is a substantial
 45 change in the circumstances of the parties. The court initially
 46 entering a child support order shall also have continuing
 47 jurisdiction to require the obligee to report to the court on
 48 terms prescribed by the court regarding the disposition of the
 49 child support payments.

50 (c) To the extent necessary to protect an award of child
 51 support, the court may order either or both parents who owe a
 52 duty of support to a child ~~the obligor~~ to purchase or maintain a
 53 life insurance policy or a bond, or to otherwise secure the
 54 child support award with any other assets which may be suitable
 55 for that purpose, depending upon the equities of the cause.

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56 Section 2. Section 61.30, Florida Statutes, is amended to
57 read:

58 61.30 Child support guidelines; guidelines schedule;
59 retroactive child support.--

60 (1)(a) The child support guideline amount as determined by
61 this section presumptively establishes the amount the trier of
62 fact shall order as child support in an initial proceeding for
63 such support or in a proceeding for modification of an existing
64 order for such support, whether the proceeding arises under this
65 or another chapter. The trier of fact may order payment of child
66 support which varies, plus or minus 5 percent, from the
67 guideline amount, after considering all relevant factors,
68 including the needs of the child or children, age, station in
69 life, standard of living, and the financial status and ability
70 of each parent. The trier of fact may order payment of child
71 support in an amount which varies more than 5 percent from such
72 guideline amount only upon a written finding explaining why
73 ordering payment of such guideline amount would be unjust or
74 inappropriate. Notwithstanding the variance limitations of this
75 section, the trier of fact shall order payment of child support
76 which varies from the guideline amount as provided in paragraph
77 (11)(b) whenever any of the children are required by court order
78 or mediation agreement to spend a substantial amount of time
79 with the primary and secondary residential parents. This
80 requirement applies to any living arrangement, whether temporary
81 or permanent.

82 (b) The guidelines may provide the basis for proving a
83 substantial change in circumstances upon which a modification of

84 an existing order may be granted. However, the difference
 85 between the existing monthly obligation and the amount provided
 86 for under the guidelines shall be at least 15 percent or \$50,
 87 whichever amount is greater, before the court may find that the
 88 guidelines provide a substantial change in circumstances.

89 (c) For each support order reviewed by the department as
 90 required by s. 409.2564(11), if the amount of the child support
 91 award under the order differs by at least 10 percent but not
 92 less than \$25 from the amount that would be awarded under s.
 93 61.30, the department shall seek to have the order modified and
 94 any modification shall be made without a requirement for proof
 95 or showing of a change in circumstances.

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

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

- 100 1. Salary or wages.
- 101 2. Bonuses, commissions, allowances, overtime, tips, and
 102 other similar payments.
- 103 3. Business income from sources such as self-employment,
 104 partnership, close corporations, and independent contracts.
 105 "Business income" means gross receipts minus ordinary and
 106 necessary expenses required to produce income.
- 107 4. Disability benefits.
- 108 5. All workers' compensation benefits and settlements.
- 109 6. Unemployment compensation.
- 110 7. Pension, retirement, or annuity payments.
- 111 8. Social security benefits.

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- 112 9. Spousal support received from a previous marriage or
 113 court ordered in the marriage before the court.
- 114 10. Interest and dividends.
- 115 11. Rental income, which is gross receipts minus ordinary
 116 and necessary expenses required to produce the income.
- 117 12. Income from royalties, trusts, or estates.
- 118 13. Reimbursed expenses or in kind payments to the extent
 119 that they reduce living expenses.
- 120 14. Gains derived from dealings in property, unless the
 121 gain is nonrecurring.
- 122 (b)1. Income on a monthly basis shall be imputed to an
 123 unemployed or underemployed parent when such employment or
 124 underemployment is found by the court to be voluntary on that
 125 parent's part, absent a finding of fact by the court of physical
 126 or mental incapacity or other circumstances over which the
 127 parent has no control. In the event of such voluntary
 128 unemployment or underemployment, the employment potential and
 129 probable earnings level of the parent shall be determined based
 130 upon his or her recent work history, occupational
 131 qualifications, and prevailing earnings level in the community
 132 as provided in this paragraph; however, the court may refuse to
 133 impute income to a primary residential parent if the court finds
 134 it necessary for the parent to stay home with the child who is
 135 the subject of the child support calculation to care for that
 136 child.
- 137 2. In order for the court to impute income under
 138 subparagraph 1., the court must make specific findings of fact
 139 consistent with the requirements of this paragraph. The party

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140 seeking to impute income has the burden to present competent,
141 substantial evidence:

142 a. That the unemployment or underemployment is voluntary;
143 and

144 b. That identifies the amount and source of the imputed
145 income, through evidence of available income from employment for
146 which the party is suitably qualified by education, experience,
147 current licensure, or geographic location, with due
148 consideration being given to the parties' current existing
149 parental obligations and time-sharing plan and their historical
150 compliance with the plan.

151 3. A rebuttable presumption shall exist, which entitles
152 the court to impute Florida minimum wage to a parent if no other
153 evidentiary basis or mechanism for establishing a parent's gross
154 income is available, absent a finding by the court that:

155 a. The parent has a physical or mental incapacity that
156 renders the parent unemployable or underemployed;

157 b. The parent needs to stay home with a child who is the
158 subject of the child support calculation proceedings and care
159 for that child, thereby preventing the parent's employment or
160 rendering the parent underemployed; or

161 c. There are other circumstances over which the parent has
162 no control, except for penal incarceration, which prevents the
163 parent from earning an income.

164
165 If evidence is produced that demonstrates that the parent is a
166 resident of another state, the state minimum wage applicable to
167 the parent's state of residence shall apply if it is greater

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168 than the Florida minimum wage. In the absence of a state minimum
169 wage or if the other state's minimum wage is lower than the
170 Florida minimum wage, the federal minimum wage as determined by
171 the United States Department of Labor shall apply.

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

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

176 b. Income at a level that a party has not previously ever
177 earned in the past, unless recently degreed, licensed,
178 certified, relicensed, or recertified and thus qualified for,
179 subject to geographic location, with due consideration being
180 given to the parties' current existing parental obligations and
181 time-sharing plan and their historical compliance with the plan.

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

184 (3) Net income is obtained by subtracting allowable
185 deductions from gross income. Allowable deductions shall
186 include:

187 (a) Federal, state, and local income tax deductions,
188 adjusted for actual filing status and allowable dependents and
189 income tax liabilities.

190 (b) Federal insurance contributions or self-employment
191 tax.

192 (c) Mandatory union dues.

193 (d) Mandatory retirement payments.

194 (e) Health insurance payments, excluding payments for
195 coverage of the minor child.

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196 (f) Court-ordered support for other children which is
 197 actually paid.

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

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

203 (5) Net income for each parent ~~the obligor and net income~~
 204 ~~for the obligee~~ shall be added together for a combined net
 205 income.

206 (6) The following guidelines schedules shall be applied to
 207 the combined net income to determine the minimum child support
 208 need:

209

	Combined Monthly <u>Net</u> Available Income		Child or Children				
	One	Two	Three	Four	Five	Six	
210							
211	650.00	74	75	75	76	77	78
212	700.00	119	120	121	123	124	125
213	750.00	164	166	167	169	171	173
214	800.00	190	211	213	216	218	220
215	850.00	202	257	259	262	265	268
216	900.00	213	302	305	309	312	315

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217	950.00	224	347	351	355	359	363
218	1000.00	235	365	397	402	406	410
219	1050.00	246	382	443	448	453	458
220	1100.00	258	400	489	495	500	505
221	1150.00	269	417	522	541	547	553
222	1200.00	280	435	544	588	594	600
223	1250.00	290	451	565	634	641	648
224	1300.00	300	467	584	659	688	695
225	1350.00	310	482	603	681	735	743
226	1400.00	320	498	623	702	765	790
227	1450.00	330	513	642	724	789	838
228	1500.00	340	529	662	746	813	869
229	1550.00	350	544	681	768	836	895
230	1600.00	360	560	701	790	860	920
231	1650.00	370	575	720	812	884	945
232	1700.00	380	591	740	833	907	971
233							

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234	1750.00	390	606	759	855	931	996
235	1800.00	400	622	779	877	955	1022
236	1850.00	410	638	798	900	979	1048
237	1900.00	421	654	818	923	1004	1074
238	1950.00	431	670	839	946	1029	1101
239	2000.00	442	686	859	968	1054	1128
240	2050.00	452	702	879	991	1079	1154
241	2100.00	463	718	899	1014	1104	1181
242	2150.00	473	734	919	1037	1129	1207
243	2200.00	484	751	940	1060	1154	1234
244	2250.00	494	767	960	1082	1179	1261
245	2300.00	505	783	980	1105	1204	1287
246	2350.00	515	799	1000	1128	1229	1314
247	2400.00	526	815	1020	1151	1254	1340
248	2450.00	536	831	1041	1174	1279	1367
249	2500.00	547	847	1061	1196	1304	1394
	2550.00	557	864	1081	1219	1329	1420

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250	2600.00	568	880	1101	1242	1354	1447
251	2650.00	578	896	1121	1265	1379	1473
252	2700.00	588	912	1141	1287	1403	1500
253	2750.00	597	927	1160	1308	1426	1524
254	2800.00	607	941	1178	1328	1448	1549
255	2850.00	616	956	1197	1349	1471	1573
256	2900.00	626	971	1215	1370	1494	1598
257	2950.00	635	986	1234	1391	1517	1622
258	3000.00	644	1001	1252	1412	1540	1647
259	3050.00	654	1016	1271	1433	1563	1671
260	3100.00	663	1031	1289	1453	1586	1695
261	3150.00	673	1045	1308	1474	1608	1720
262	3200.00	682	1060	1327	1495	1631	1744
263	3250.00	691	1075	1345	1516	1654	1769
264	3300.00	701	1090	1364	1537	1677	1793
265	3350.00	710	1105	1382	1558	1700	1818
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267	3400.00	720	1120	1401	1579	1723	1842
268	3450.00	729	1135	1419	1599	1745	1867
269	3500.00	738	1149	1438	1620	1768	1891
270	3550.00	748	1164	1456	1641	1791	1915
271	3600.00	757	1179	1475	1662	1814	1940
272	3650.00	767	1194	1493	1683	1837	1964
273	3700.00	776	1208	1503	1702	1857	1987
274	3750.00	784	1221	1520	1721	1878	2009
275	3800.00	793	1234	1536	1740	1899	2031
276	3850.00	802	1248	1553	1759	1920	2053
277	3900.00	811	1261	1570	1778	1940	2075
278	3950.00	819	1275	1587	1797	1961	2097
279	4000.00	828	1288	1603	1816	1982	2119
280	4050.00	837	1302	1620	1835	2002	2141
281	4100.00	846	1315	1637	1854	2023	2163
282	4150.00	854	1329	1654	1873	2044	2185
	4200.00	863	1342	1670	1892	2064	2207

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283	4250.00	872	1355	1687	1911	2085	2229
284	4300.00	881	1369	1704	1930	2106	2251
285	4350.00	889	1382	1721	1949	2127	2273
286	4400.00	898	1396	1737	1968	2147	2295
287	4450.00	907	1409	1754	1987	2168	2317
288	4500.00	916	1423	1771	2006	2189	2339
289	4550.00	924	1436	1788	2024	2209	2361
290	4600.00	933	1450	1804	2043	2230	2384
291	4650.00	942	1463	1821	2062	2251	2406
292	4700.00	951	1477	1838	2081	2271	2428
293	4750.00	959	1490	1855	2100	2292	2450
294	4800.00	968	1503	1871	2119	2313	2472
295	4850.00	977	1517	1888	2138	2334	2494
296	4900.00	986	1530	1905	2157	2354	2516
297	4950.00	993	1542	1927	2174	2372	2535
298	5000.00	1000	1551	1939	2188	2387	2551
299							

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300	5050.00	1006	1561	1952	2202	2402	2567
301	5100.00	1013	1571	1964	2215	2417	2583
302	5150.00	1019	1580	1976	2229	2432	2599
303	5200.00	1025	1590	1988	2243	2447	2615
304	5250.00	1032	1599	2000	2256	2462	2631
305	5300.00	1038	1609	2012	2270	2477	2647
306	5350.00	1045	1619	2024	2283	2492	2663
307	5400.00	1051	1628	2037	2297	2507	2679
308	5450.00	1057	1638	2049	2311	2522	2695
309	5500.00	1064	1647	2061	2324	2537	2711
310	5550.00	1070	1657	2073	2338	2552	2727
311	5600.00	1077	1667	2085	2352	2567	2743
312	5650.00	1083	1676	2097	2365	2582	2759
313	5700.00	1089	1686	2109	2379	2597	2775
314	5750.00	1096	1695	2122	2393	2612	2791
315	5800.00	1102	1705	2134	2406	2627	2807
	5850.00	1107	1713	2144	2418	2639	2820

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316	5900.00	1111	1721	2155	2429	2651	2833
317	5950.00	1116	1729	2165	2440	2663	2847
318	6000.00	1121	1737	2175	2451	2676	2860
319	6050.00	1126	1746	2185	2462	2688	2874
320	6100.00	1131	1754	2196	2473	2700	2887
321	6150.00	1136	1762	2206	2484	2712	2900
322	6200.00	1141	1770	2216	2495	2724	2914
323	6250.00	1145	1778	2227	2506	2737	2927
324	6300.00	1150	1786	2237	2517	2749	2941
325	6350.00	1155	1795	2247	2529	2761	2954
326	6400.00	1160	1803	2258	2540	2773	2967
327	6450.00	1165	1811	2268	2551	2785	2981
328	6500.00	1170	1819	2278	2562	2798	2994
329	6550.00	1175	1827	2288	2573	2810	3008
330	6600.00	1179	1835	2299	2584	2822	3021
331	6650.00	1184	1843	2309	2595	2834	3034
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333	6700.00	1189	1850	2317	2604	2845	3045
334	6750.00	1193	1856	2325	2613	2854	3055
335	6800.00	1196	1862	2332	2621	2863	3064
336	6850.00	1200	1868	2340	2630	2872	3074
337	6900.00	1204	1873	2347	2639	2882	3084
338	6950.00	1208	1879	2355	2647	2891	3094
339	7000.00	1212	1885	2362	2656	2900	3103
340	7050.00	1216	1891	2370	2664	2909	3113
341	7100.00	1220	1897	2378	2673	2919	3123
342	7150.00	1224	1903	2385	2681	2928	3133
343	7200.00	1228	1909	2393	2690	2937	3142
344	7250.00	1232	1915	2400	2698	2946	3152
345	7300.00	1235	1921	2408	2707	2956	3162
346	7350.00	1239	1927	2415	2716	2965	3172
347	7400.00	1243	1933	2423	2724	2974	3181
348	7450.00	1247	1939	2430	2733	2983	3191
	7500.00	1251	1945	2438	2741	2993	3201

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349	7550.00	1255	1951	2446	2750	3002	3211
350	7600.00	1259	1957	2453	2758	3011	3220
351	7650.00	1263	1963	2461	2767	3020	3230
352	7700.00	1267	1969	2468	2775	3030	3240
353	7750.00	1271	1975	2476	2784	3039	3250
354	7800.00	1274	1981	2483	2792	3048	3259
355	7850.00	1278	1987	2491	2801	3057	3269
356	7900.00	1282	1992	2498	2810	3067	3279
357	7950.00	1286	1998	2506	2818	3076	3289
358	8000.00	1290	2004	2513	2827	3085	3298
359	8050.00	1294	2010	2521	2835	3094	3308
360	8100.00	1298	2016	2529	2844	3104	3318
361	8150.00	1302	2022	2536	2852	3113	3328
362	8200.00	1306	2028	2544	2861	3122	3337
363	8250.00	1310	2034	2551	2869	3131	3347
364	8300.00	1313	2040	2559	2878	3141	3357
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366	8350.00	1317	2046	2566	2887	3150	3367
367	8400.00	1321	2052	2574	2895	3159	3376
368	8450.00	1325	2058	2581	2904	3168	3386
369	8500.00	1329	2064	2589	2912	3178	3396
370	8550.00	1333	2070	2597	2921	3187	3406
371	8600.00	1337	2076	2604	2929	3196	3415
372	8650.00	1341	2082	2612	2938	3205	3425
373	8700.00	1345	2088	2619	2946	3215	3435
374	8750.00	1349	2094	2627	2955	3224	3445
375	8800.00	1352	2100	2634	2963	3233	3454
376	8850.00	1356	2106	2642	2972	3242	3464
377	8900.00	1360	2111	2649	2981	3252	3474
378	8950.00	1364	2117	2657	2989	3261	3484
379	9000.00	1368	2123	2664	2998	3270	3493
380	9050.00	1372	2129	2672	3006	3279	3503
381	9100.00	1376	2135	2680	3015	3289	3513
	9150.00	1380	2141	2687	3023	3298	3523

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382	9200.00	1384	2147	2695	3032	3307	3532
383	9250.00	1388	2153	2702	3040	3316	3542
384	9300.00	1391	2159	2710	3049	3326	3552
385	9350.00	1395	2165	2717	3058	3335	3562
386	9400.00	1399	2171	2725	3066	3344	3571
387	9450.00	1403	2177	2732	3075	3353	3581
388	9500.00	1407	2183	2740	3083	3363	3591
389	9550.00	1411	2189	2748	3092	3372	3601
390	9600.00	1415	2195	2755	3100	3381	3610
391	9650.00	1419	2201	2763	3109	3390	3620
392	9700.00	1422	2206	2767	3115	3396	3628
393	9750.00	1425	2210	2772	3121	3402	3634
394	9800.00	1427	2213	2776	3126	3408	3641
395	9850.00	1430	2217	2781	3132	3414	3647
396	9900.00	1432	2221	2786	3137	3420	3653
397	9950.00	1435	2225	2791	3143	3426	3659
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10000.0 1437 2228 2795 3148 3432 3666
0

399

400 For combined monthly available income less than the amount set
401 out on the above schedules, the parent should be ordered to pay
402 a child support amount, determined on a case-by-case basis, to
403 establish the principle of payment and lay the basis for
404 increased orders should the parent's income increase in the
405 future. For combined monthly available income greater than the
406 amount set out in the above schedules, the obligation shall be
407 the minimum amount of support provided by the guidelines
408 schedule plus the following percentages multiplied by the amount
409 of income over \$10,000:

410

Child or Children

411

One	Two	Three	Four	Five	Six
-----	-----	-------	------	------	-----

412

5.0%	7.5%	9.5%	11.0%	12.0%	12.5%
------	------	------	-------	-------	-------

413

414 (7) Child care costs incurred on behalf of the children
415 due to employment, job search, or education calculated to result
416 in employment or to enhance income of current employment of
417 either parent shall be ~~reduced by 25 percent and then shall be~~
418 added to the basic obligation. After the ~~adjusted~~ child care
419 costs are added to the basic obligation, any moneys prepaid by
420 the noncustodial parent for child care costs for the child or
421 children of this action shall be deducted from that noncustodial

422 parent's child support obligation for that child or those
 423 children. Child care costs shall not exceed the level required
 424 to provide quality care from a licensed source for the children.

425 (8) Health insurance costs resulting from coverage ordered
 426 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
 427 and prescription medication expenses of the child, shall be
 428 added to the basic obligation unless these expenses have been
 429 ordered to be separately paid on a percentage basis. After the
 430 health insurance costs are added to the basic obligation, any
 431 moneys prepaid by the noncustodial parent for health-related
 432 costs for the child or children of this action shall be deducted
 433 from that noncustodial parent's child support obligation for
 434 that child or those children.

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

438 (10) The total minimum child support need shall be
 439 determined by adding child care costs and health insurance costs
 440 to the minimum child support need. Each parent's actual dollar
 441 share of the total minimum child support need shall be
 442 determined by multiplying the minimum child support need by each
 443 parent's percentage share of the combined monthly net income.

444 (11)(a) The court may adjust the total minimum child
 445 support award, or either or both parents' share of the total
 446 minimum child support award, based upon the following deviation
 447 factors considerations:

448 1. Extraordinary medical, psychological, educational, or
 449 dental expenses.

- 450 2. Independent income of the child, not to include moneys
 451 received by a child from supplemental security income.
- 452 3. The payment of support for a parent which regularly has
 453 been paid and for which there is a demonstrated need.
- 454 4. Seasonal variations in one or both parents' incomes or
 455 expenses.
- 456 5. The age of the child, taking into account the greater
 457 needs of older children.
- 458 6. Special needs, such as costs that may be associated
 459 with the disability of a child, that have traditionally been met
 460 within the family budget even though the fulfilling of those
 461 needs will cause the support to exceed the presumptive amount
 462 established by the ~~proposed~~ guidelines.
- 463 7. Total available assets of the obligee, obligor, and the
 464 child.
- 465 8. The impact of the Internal Revenue Service dependency
 466 exemption and waiver of that exemption and the impact of any
 467 federal child care tax credit. The court may order the primary
 468 residential parent to execute a waiver of the Internal Revenue
 469 Service dependency exemption if the noncustodial parent is
 470 current in support payments.
- 471 9. When application of the child support guidelines
 472 requires a person to pay another person more than 55 percent of
 473 his or her gross income for a child support obligation for
 474 current support resulting from a single support order.
- 475 10. The particular parenting ~~shared parental~~ arrangement,
 476 such as where the child spends a significant amount of time, but
 477 less than 20 ~~40~~ percent of the overnights, with the noncustodial

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478 parent, thereby reducing the financial expenditures incurred by
 479 the primary residential parent; or the refusal of the
 480 noncustodial parent to become involved in the activities of the
 481 child.

482 11. Any other adjustment which is needed to achieve an
 483 equitable result which may include, but not be limited to, a
 484 reasonable and necessary existing expense or debt. Such expense
 485 or debt may include, but is not limited to, a reasonable and
 486 necessary expense or debt which the parties jointly incurred
 487 during the marriage.

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

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

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

500 3. Calculate the percentage of overnight stays the child
 501 spends with each parent.

502 4. Multiply the noncustodial parent's support obligation
 503 as calculated in subparagraph 1. by the percentage of the
 504 custodial parent's overnight stays with the child as calculated
 505 in subparagraph 3.

506 5. Multiply the custodial parent's support obligation as
 507 calculated in subparagraph 2. by the percentage of the
 508 noncustodial parent's overnight stays with the child as
 509 calculated in subparagraph 3.

510 6. The difference between the amounts calculated in
 511 subparagraphs 4. and 5. shall be the monetary transfer necessary
 512 between the custodial and noncustodial parents for the care of
 513 the child, subject to an adjustment for day care and health
 514 insurance expenses.

515 7. Pursuant to subsections (7) and (8), calculate the net
 516 amounts owed by the custodial and noncustodial parents for the
 517 expenses incurred for day care and health insurance coverage for
 518 the child. ~~Day care shall be calculated without regard to the~~
 519 ~~25 percent reduction applied by subsection (7).~~

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

525 9. The court may deviate from the child support amount
 526 calculated pursuant to subparagraph 8. based upon the deviation
 527 factors ~~considerations~~ set forth in paragraph (a), as well as
 528 the ~~custodial parent's~~ low income of either parent or the
 529 inability of either parent ~~and ability~~ to maintain the basic
 530 necessities of the home for the child, the likelihood that the
 531 noncustodial parent will actually exercise the visitation
 532 granted by the court, and whether all of the children are
 533 exercising the same parenting ~~shared parental~~ arrangement.

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

538 (c) A noncustodial parent's failure to regularly exercise
539 court-ordered or agreed visitation not caused by the custodial
540 parent which resulted in the adjustment of the amount of child
541 support pursuant to subparagraph (a)10. or paragraph (b) shall
542 be deemed a substantial change of circumstances for purposes of
543 modifying the child support award. A modification pursuant to
544 this paragraph shall be retroactive to the date the noncustodial
545 parent first failed to regularly exercise court-ordered or
546 agreed visitation.

547 (d) A split parenting arrangement exists when there is
548 more than one child in common and each parent has the majority
549 of the overnight timesharing for at least one of the children.
550 In cases involving split parenting arrangements, the court shall
551 calculate and issue a separate child support order for each
552 parent based on the number of children for which that parent has
553 the majority of the overnight timesharing, and the difference
554 between the two calculations is the amount to be paid by the
555 parent with the higher child support order amount.

556 (12) (a) A parent with a support obligation may have other
557 children living with him or her who were born or adopted after
558 the support obligation arose. If such subsequent children exist,
559 the court, when considering an upward modification of an
560 existing award, may disregard the income from secondary
561 employment obtained in addition to the parent's primary

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562 employment if the court determines that the employment was
563 obtained primarily to support the subsequent children.

564 (b) Except as provided in paragraph (a), the existence of
565 such subsequent children should not as a general rule be
566 considered by the court as a basis for disregarding the amount
567 provided in the guidelines schedule. The parent with a support
568 obligation for subsequent children may raise the existence of
569 such subsequent children as a justification for deviation from
570 the guidelines schedule. However, if the existence of such
571 subsequent children is raised, the income of the other parent of
572 the subsequent children shall be considered by the court in
573 determining whether or not there is a basis for deviation from
574 the guideline amount.

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

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

582 (14) Every petition for child support or for modification
583 of child support shall be accompanied by an affidavit which
584 shows the party's income, allowable deductions, and net income
585 computed in accordance with this section. The affidavit shall be
586 served at the same time that the petition is served. The
587 respondent, whether or not a stipulation is entered, shall make
588 an affidavit which shows the party's income, allowable
589 deductions, and net income computed in accordance with this

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590 section. The respondent shall include his or her affidavit with
591 the answer to the petition or as soon thereafter as is
592 practicable, but in any case at least 72 hours prior to any
593 hearing on the finances of either party.

594 (15) For purposes of establishing an obligation for
595 support in accordance with this section, if a person who is
596 receiving public assistance is found to be noncooperative as
597 defined in s. 409.2572, the IV-D agency is authorized to submit
598 to the court an affidavit attesting to the income of the
599 custodial parent based upon information available to the IV-D
600 agency.

601 (16) The Legislature shall review the guidelines
602 established in this section at least every 4 years beginning in
603 1997.

604 (17) In an initial determination of child support, whether
605 in a paternity action, dissolution of marriage action, or
606 petition for support during the marriage, the court has
607 discretion to award child support retroactive to the date when
608 the parents did not reside together in the same household with
609 the child, not to exceed a period of 24 months preceding the
610 filing of the petition, regardless of whether that date precedes
611 the filing of the petition. In determining the retroactive award
612 in such cases, the court shall consider the following:

613 (a) The court shall apply the guidelines schedule in
614 effect at the time of the hearing subject to the obligor's
615 demonstration of his or her actual income, as defined by
616 subsection (2), during the retroactive period. Failure of the
617 obligor to so demonstrate shall result in the court using the

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618 obligor's income at the time of the hearing in computing child
619 support for the retroactive period.

620 (b) All actual payments made by the noncustodial parent to
621 the custodial parent or the child or third parties for the
622 benefit of the child throughout the proposed retroactive period.

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

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

627 409.2564 Actions for support.--

628 (10) For the purposes of denial, revocation, or limitation
629 of an individual's United States passport, consistent with 42
630 U.S.C. s. 652(k)(1), the Title IV-D agency shall have procedures
631 to certify to the Secretary of the United States Department of
632 Health and Human Services, in the format and accompanied by such
633 supporting documentation as the secretary may require, a
634 determination that an individual owes arrearages of support in
635 an amount exceeding \$2,500 ~~\$5,000~~. Said procedures shall provide
636 that the individual be given notice of the determination and of
637 the consequence thereof and that the individual shall be given
638 an opportunity to contest the accuracy of the determination.

639 Section 4. Section 409.25641, Florida Statutes, is amended
640 to read:

641 409.25641 Procedures for processing automated
642 administrative enforcement requests.--

643 (1) The department ~~Title IV-D agency~~ shall use automated
644 administrative enforcement, as defined in Title IV-D of the
645 Social Security Act, in response to a request from another state

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646 to enforce a support order and shall promptly report the results
 647 of enforcement action to the requesting state.

648 (2) This request:

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

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

654 (c) Shall constitute a certification by the requesting
 655 state:

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

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

659 (3) If assistance is provided by the department ~~Title IV-D~~
 660 ~~agency~~ to another state as prescribed above, the department may
 661 not ~~neither state shall~~ consider the case to be transferred from
 662 the caseload of the other state to the caseload of the
 663 department, but the department may establish a corresponding
 664 case based on the other state's request for assistance ~~Title IV-~~
 665 ~~D-agency.~~

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

668 (a) The number of requests received;

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

671 (c) The amount of such collected support.

672 (5) The department shall have authority to adopt rules to
 673 implement this section.

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674 Section 5. Every 4 years, the Office of Program Policy
675 Analysis and Government Accountability shall evaluate the
676 effectiveness of the system currently used for complying with
677 the federally required review of the state's child support
678 guidelines. The evaluation shall include a comparison of all
679 available methodologies being utilized by other states in
680 conducting their reviews of their child support guidelines and
681 include recommendations for either maintaining the current
682 review process with the Legislature or transferring the
683 responsibility to another entity. A report shall be submitted to
684 the Governor, the President of the Senate, and the Speaker of
685 the House of Representatives by January 31, 2007.

686 Section 6. This act shall take effect July 1, 2006.