

HB 7217

2006
CS

CHAMBER ACTION

1 The Health & Families Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to child support; amending s. 61.13, F.S.;
7 requiring either or both parents who owe support to secure
8 a child support award; amending s. 61.30, F.S.; providing
9 conditions for the imputation of income by the court under
10 certain circumstances; providing for the determination of
11 net income; providing the child support guidelines
12 schedule; providing for income levels above what is
13 reflected in the schedule; revising amount of child care
14 costs to be added to the basic child support obligation;
15 revising method for calculating each parent's percentage
16 share of the child support need; revising method of
17 calculating the total minimum child support need; revising
18 factors to be considered by the court in adjusting child
19 support awards; providing for calculation of child support
20 orders in cases of split parenting arrangements;
21 specifying the method for determining a child support
22 order amount; amending s. 409.2563, F.S.; providing for
23 the imputation of income under certain circumstances;

Page 1 of 32

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7217-01-c1

HB 7217

2006
CS

24 | amending s. 409.2564, F.S.; revising a threshold for
 25 | arrearages before passport restrictions apply; amending s.
 26 | 409.25641, F.S.; requiring the Department of Revenue to
 27 | employ automated administrative enforcement of support
 28 | orders in interstate cases; authorizing the department to
 29 | establish a corresponding case under certain
 30 | circumstances; requiring the Office of Program Policy
 31 | Analysis and Government Accountability to evaluate state
 32 | compliance with federally required review of child support
 33 | guidelines and provide a report to the Governor and
 34 | Legislature; providing an effective date.

35 |
 36 | Be It Enacted by the Legislature of the State of Florida:
 37 |

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

40 | 61.13 Custody and support of children; visitation rights;
 41 | power of court in making orders.--

42 | (1) (a) In a proceeding under this chapter, the court may
 43 | at any time order either or both parents who owe a duty of
 44 | support to a child to pay support in accordance with the child
 45 | support guidelines in s. 61.30. The court initially entering an
 46 | order requiring one or both parents to make child support
 47 | payments shall have continuing jurisdiction after the entry of
 48 | the initial order to modify the amount and terms and conditions
 49 | of the child support payments when the modification is found
 50 | necessary by the court in the best interests of the child, when
 51 | the child reaches majority, or when there is a substantial

HB 7217

2006
CS

52 | change in the circumstances of the parties. The court initially
53 | entering a child support order shall also have continuing
54 | jurisdiction to require the obligee to report to the court on
55 | terms prescribed by the court regarding the disposition of the
56 | child support payments.

57 | (c) To the extent necessary to protect an award of child
58 | support, the court may order either or both parents who owe a
59 | duty of support to a child ~~the obligor~~ to purchase or maintain a
60 | life insurance policy or a bond, or to otherwise secure the
61 | child support award with any other assets which may be suitable
62 | for that purpose, depending upon the equities of the cause.

63 | Section 2. Section 61.30, Florida Statutes, is amended to
64 | read:

65 | 61.30 Child support guidelines; guidelines schedule;
66 | retroactive child support.--

67 | (1)(a) The child support guideline amount as determined by
68 | this section presumptively establishes the amount the trier of
69 | fact shall order as child support in an initial proceeding for
70 | such support or in a proceeding for modification of an existing
71 | order for such support, whether the proceeding arises under this
72 | or another chapter. The trier of fact may order payment of child
73 | support which varies, plus or minus 5 percent, from the
74 | guideline amount, after considering all relevant factors,
75 | including the needs of the child or children, age, station in
76 | life, standard of living, and the financial status and ability
77 | of each parent. The trier of fact may order payment of child
78 | support in an amount which varies more than 5 percent from such
79 | guideline amount only upon a written finding explaining why

HB 7217

2006
CS

80 ordering payment of such guideline amount would be unjust or
 81 inappropriate. Notwithstanding the variance limitations of this
 82 section, the trier of fact shall order payment of child support
 83 which varies from the guideline amount as provided in paragraph
 84 (11)(b) whenever any of the children are required by court order
 85 or mediation agreement to spend a substantial amount of time
 86 with the primary and secondary residential parents. This
 87 requirement applies to any living arrangement, whether temporary
 88 or permanent.

89 (b) The guidelines may provide the basis for proving a
 90 substantial change in circumstances upon which a modification of
 91 an existing order may be granted. However, the difference
 92 between the existing monthly obligation and the amount provided
 93 for under the guidelines shall be at least 15 percent or \$50,
 94 whichever amount is greater, before the court may find that the
 95 guidelines provide a substantial change in circumstances.

96 (c) For each support order reviewed by the department as
 97 required by s. 409.2564(11), if the amount of the child support
 98 award under the order differs by at least 10 percent but not
 99 less than \$25 from the amount that would be awarded under s.
 100 61.30, the department shall seek to have the order modified and
 101 any modification shall be made without a requirement for proof
 102 or showing of a change in circumstances.

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

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

- 107 1. Salary or wages.

HB 7217

2006
CS

108 | 2. Bonuses, commissions, allowances, overtime, tips, and
109 | other similar payments.

110 | 3. Business income from sources such as self-employment,
111 | partnership, close corporations, and independent contracts.

112 | "Business income" means gross receipts minus ordinary and
113 | necessary expenses required to produce income.

114 | 4. Disability benefits.

115 | 5. All workers' compensation benefits and settlements.

116 | 6. Unemployment compensation.

117 | 7. Pension, retirement, or annuity payments.

118 | 8. Social security benefits.

119 | 9. Spousal support received from a previous marriage or
120 | court ordered in the marriage before the court.

121 | 10. Interest and dividends.

122 | 11. Rental income, which is gross receipts minus ordinary
123 | and necessary expenses required to produce the income.

124 | 12. Income from royalties, trusts, or estates.

125 | 13. Reimbursed expenses or in kind payments to the extent
126 | that they reduce living expenses.

127 | 14. Gains derived from dealings in property, unless the
128 | gain is nonrecurring.

129 | (b)1. Income on a monthly basis shall be imputed to an
130 | unemployed or underemployed parent when such employment or
131 | underemployment is found by the court to be voluntary on that
132 | parent's part, absent a finding of fact by the court of physical
133 | or mental incapacity or other circumstances over which the
134 | parent has no control. In the event of such voluntary
135 | unemployment or underemployment, the employment potential and

HB 7217

2006
CS

136 | probable earnings level of the parent shall be determined based
137 | upon his or her recent work history, occupational
138 | qualifications, and prevailing earnings level in the community
139 | as provided in this paragraph; however, the court may refuse to
140 | impute income to a primary residential parent if the court finds
141 | it necessary for the parent to stay home with the child who is
142 | the subject of the child support calculation to care for that
143 | child.

144 | 2. In order for the court to impute income under
145 | subparagraph 1., the court must make specific findings of fact
146 | consistent with the requirements of this paragraph. The party
147 | seeking to impute income has the burden to present competent,
148 | substantial evidence:

149 | a. That the unemployment or underemployment is voluntary;
150 | and

151 | b. That identifies the amount and source of the imputed
152 | income, through evidence of available income from employment for
153 | which the party is suitably qualified by education, experience,
154 | current licensure, or geographic location, with due
155 | consideration being given to the parties' current existing
156 | parental obligations and time-sharing plan and their historical
157 | compliance with the plan.

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

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

HB 7217

2006
CS

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

168 c. There are other circumstances over which the parent has
169 no control, except for penal incarceration, which prevents the
170 parent from earning an income.

171
172 If evidence is produced that demonstrates that the parent is a
173 resident of another state, the state minimum wage applicable to
174 the parent's state of residence shall apply if it is greater
175 than the Florida minimum wage. In the absence of a state minimum
176 wage or if the other state's minimum wage is lower than the
177 Florida minimum wage, the federal minimum wage as determined by
178 the United States Department of Labor shall apply.

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

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

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

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

HB 7217

2006
CS

191 (3) Net income is obtained by subtracting allowable
 192 deductions from gross income. Allowable deductions shall
 193 include:

194 (a) Federal, state, and local income tax deductions,
 195 adjusted for actual filing status and allowable dependents and
 196 income tax liabilities.

197 (b) Federal insurance contributions or self-employment
 198 tax.

199 (c) Mandatory union dues.

200 (d) Mandatory retirement payments.

201 (e) Health insurance payments, excluding payments for
 202 coverage of the minor child.

203 (f) Court-ordered support for other children which is
 204 actually paid.

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

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

210 (5) Net income for each parent ~~the obligor and net income~~
 211 ~~for the obligee~~ shall be added together for a combined net
 212 income.

213 (6) The following guidelines schedules shall be applied to
 214 the combined net income to determine the minimum child support
 215 need:

216

Combined Monthly <u>Net</u>	Child or Children
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HB 7217

2006
CS

	Available Income						
		One	Two	Three	Four	Five	Six
217							
218	650.00	74	75	75	76	77	78
219	700.00	119	120	121	123	124	125
220	750.00	164	166	167	169	171	173
221	800.00	190	211	213	216	218	220
222	850.00	202	257	259	262	265	268
223	900.00	213	302	305	309	312	315
224	950.00	224	347	351	355	359	363
225	1000.00	235	365	397	402	406	410
226	1050.00	246	382	443	448	453	458
227	1100.00	258	400	489	495	500	505
228	1150.00	269	417	522	541	547	553
229	1200.00	280	435	544	588	594	600
230	1250.00	290	451	565	634	641	648
231	1300.00	300	467	584	659	688	695
232	1350.00	310	482	603	681	735	743

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7217

2006
CS

233	1400.00	320	498	623	702	765	790
234	1450.00	330	513	642	724	789	838
235	1500.00	340	529	662	746	813	869
236	1550.00	350	544	681	768	836	895
237	1600.00	360	560	701	790	860	920
238	1650.00	370	575	720	812	884	945
239	1700.00	380	591	740	833	907	971
240	1750.00	390	606	759	855	931	996
241	1800.00	400	622	779	877	955	1022
242	1850.00	410	638	798	900	979	1048
243	1900.00	421	654	818	923	1004	1074
244	1950.00	431	670	839	946	1029	1101
245	2000.00	442	686	859	968	1054	1128
246	2050.00	452	702	879	991	1079	1154
247	2100.00	463	718	899	1014	1104	1181
248	2150.00	473	734	919	1037	1129	1207
249							

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7217

2006
CS

250	2200.00	484	751	940	1060	1154	1234
251	2250.00	494	767	960	1082	1179	1261
252	2300.00	505	783	980	1105	1204	1287
253	2350.00	515	799	1000	1128	1229	1314
254	2400.00	526	815	1020	1151	1254	1340
255	2450.00	536	831	1041	1174	1279	1367
256	2500.00	547	847	1061	1196	1304	1394
257	2550.00	557	864	1081	1219	1329	1420
258	2600.00	568	880	1101	1242	1354	1447
259	2650.00	578	896	1121	1265	1379	1473
260	2700.00	588	912	1141	1287	1403	1500
261	2750.00	597	927	1160	1308	1426	1524
262	2800.00	607	941	1178	1328	1448	1549
263	2850.00	616	956	1197	1349	1471	1573
264	2900.00	626	971	1215	1370	1494	1598
265	2950.00	635	986	1234	1391	1517	1622
	3000.00	644	1001	1252	1412	1540	1647

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7217

2006
CS

266	3050.00	654	1016	1271	1433	1563	1671
267	3100.00	663	1031	1289	1453	1586	1695
268	3150.00	673	1045	1308	1474	1608	1720
269	3200.00	682	1060	1327	1495	1631	1744
270	3250.00	691	1075	1345	1516	1654	1769
271	3300.00	701	1090	1364	1537	1677	1793
272	3350.00	710	1105	1382	1558	1700	1818
273	3400.00	720	1120	1401	1579	1723	1842
274	3450.00	729	1135	1419	1599	1745	1867
275	3500.00	738	1149	1438	1620	1768	1891
276	3550.00	748	1164	1456	1641	1791	1915
277	3600.00	757	1179	1475	1662	1814	1940
278	3650.00	767	1194	1493	1683	1837	1964
279	3700.00	776	1208	1503	1702	1857	1987
280	3750.00	784	1221	1520	1721	1878	2009
281	3800.00	793	1234	1536	1740	1899	2031
282							

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7217

2006
CS

283	3850.00	802	1248	1553	1759	1920	2053
284	3900.00	811	1261	1570	1778	1940	2075
285	3950.00	819	1275	1587	1797	1961	2097
286	4000.00	828	1288	1603	1816	1982	2119
287	4050.00	837	1302	1620	1835	2002	2141
288	4100.00	846	1315	1637	1854	2023	2163
289	4150.00	854	1329	1654	1873	2044	2185
290	4200.00	863	1342	1670	1892	2064	2207
291	4250.00	872	1355	1687	1911	2085	2229
292	4300.00	881	1369	1704	1930	2106	2251
293	4350.00	889	1382	1721	1949	2127	2273
294	4400.00	898	1396	1737	1968	2147	2295
295	4450.00	907	1409	1754	1987	2168	2317
296	4500.00	916	1423	1771	2006	2189	2339
297	4550.00	924	1436	1788	2024	2209	2361
298	4600.00	933	1450	1804	2043	2230	2384
	4650.00	942	1463	1821	2062	2251	2406

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7217

2006
CS

299	4700.00	951	1477	1838	2081	2271	2428
300	4750.00	959	1490	1855	2100	2292	2450
301	4800.00	968	1503	1871	2119	2313	2472
302	4850.00	977	1517	1888	2138	2334	2494
303	4900.00	986	1530	1905	2157	2354	2516
304	4950.00	993	1542	1927	2174	2372	2535
305	5000.00	1000	1551	1939	2188	2387	2551
306	5050.00	1006	1561	1952	2202	2402	2567
307	5100.00	1013	1571	1964	2215	2417	2583
308	5150.00	1019	1580	1976	2229	2432	2599
309	5200.00	1025	1590	1988	2243	2447	2615
310	5250.00	1032	1599	2000	2256	2462	2631
311	5300.00	1038	1609	2012	2270	2477	2647
312	5350.00	1045	1619	2024	2283	2492	2663
313	5400.00	1051	1628	2037	2297	2507	2679
314	5450.00	1057	1638	2049	2311	2522	2695
315							

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7217

2006
CS

316	5500.00	1064	1647	2061	2324	2537	2711
317	5550.00	1070	1657	2073	2338	2552	2727
318	5600.00	1077	1667	2085	2352	2567	2743
319	5650.00	1083	1676	2097	2365	2582	2759
320	5700.00	1089	1686	2109	2379	2597	2775
321	5750.00	1096	1695	2122	2393	2612	2791
322	5800.00	1102	1705	2134	2406	2627	2807
323	5850.00	1107	1713	2144	2418	2639	2820
324	5900.00	1111	1721	2155	2429	2651	2833
325	5950.00	1116	1729	2165	2440	2663	2847
326	6000.00	1121	1737	2175	2451	2676	2860
327	6050.00	1126	1746	2185	2462	2688	2874
328	6100.00	1131	1754	2196	2473	2700	2887
329	6150.00	1136	1762	2206	2484	2712	2900
330	6200.00	1141	1770	2216	2495	2724	2914
331	6250.00	1145	1778	2227	2506	2737	2927
	6300.00	1150	1786	2237	2517	2749	2941

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7217

2006
CS

332	6350.00	1155	1795	2247	2529	2761	2954
333	6400.00	1160	1803	2258	2540	2773	2967
334	6450.00	1165	1811	2268	2551	2785	2981
335	6500.00	1170	1819	2278	2562	2798	2994
336	6550.00	1175	1827	2288	2573	2810	3008
337	6600.00	1179	1835	2299	2584	2822	3021
338	6650.00	1184	1843	2309	2595	2834	3034
339	6700.00	1189	1850	2317	2604	2845	3045
340	6750.00	1193	1856	2325	2613	2854	3055
341	6800.00	1196	1862	2332	2621	2863	3064
342	6850.00	1200	1868	2340	2630	2872	3074
343	6900.00	1204	1873	2347	2639	2882	3084
344	6950.00	1208	1879	2355	2647	2891	3094
345	7000.00	1212	1885	2362	2656	2900	3103
346	7050.00	1216	1891	2370	2664	2909	3113
347	7100.00	1220	1897	2378	2673	2919	3123
348							

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7217

2006
CS

349	7150.00	1224	1903	2385	2681	2928	3133
350	7200.00	1228	1909	2393	2690	2937	3142
351	7250.00	1232	1915	2400	2698	2946	3152
352	7300.00	1235	1921	2408	2707	2956	3162
353	7350.00	1239	1927	2415	2716	2965	3172
354	7400.00	1243	1933	2423	2724	2974	3181
355	7450.00	1247	1939	2430	2733	2983	3191
356	7500.00	1251	1945	2438	2741	2993	3201
357	7550.00	1255	1951	2446	2750	3002	3211
358	7600.00	1259	1957	2453	2758	3011	3220
359	7650.00	1263	1963	2461	2767	3020	3230
360	7700.00	1267	1969	2468	2775	3030	3240
361	7750.00	1271	1975	2476	2784	3039	3250
362	7800.00	1274	1981	2483	2792	3048	3259
363	7850.00	1278	1987	2491	2801	3057	3269
364	7900.00	1282	1992	2498	2810	3067	3279
	7950.00	1286	1998	2506	2818	3076	3289

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7217

2006
CS

365	8000.00	1290	2004	2513	2827	3085	3298
366	8050.00	1294	2010	2521	2835	3094	3308
367	8100.00	1298	2016	2529	2844	3104	3318
368	8150.00	1302	2022	2536	2852	3113	3328
369	8200.00	1306	2028	2544	2861	3122	3337
370	8250.00	1310	2034	2551	2869	3131	3347
371	8300.00	1313	2040	2559	2878	3141	3357
372	8350.00	1317	2046	2566	2887	3150	3367
373	8400.00	1321	2052	2574	2895	3159	3376
374	8450.00	1325	2058	2581	2904	3168	3386
375	8500.00	1329	2064	2589	2912	3178	3396
376	8550.00	1333	2070	2597	2921	3187	3406
377	8600.00	1337	2076	2604	2929	3196	3415
378	8650.00	1341	2082	2612	2938	3205	3425
379	8700.00	1345	2088	2619	2946	3215	3435
380	8750.00	1349	2094	2627	2955	3224	3445
381							

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7217

2006
CS

382	8800.00	1352	2100	2634	2963	3233	3454
383	8850.00	1356	2106	2642	2972	3242	3464
384	8900.00	1360	2111	2649	2981	3252	3474
385	8950.00	1364	2117	2657	2989	3261	3484
386	9000.00	1368	2123	2664	2998	3270	3493
387	9050.00	1372	2129	2672	3006	3279	3503
388	9100.00	1376	2135	2680	3015	3289	3513
389	9150.00	1380	2141	2687	3023	3298	3523
390	9200.00	1384	2147	2695	3032	3307	3532
391	9250.00	1388	2153	2702	3040	3316	3542
392	9300.00	1391	2159	2710	3049	3326	3552
393	9350.00	1395	2165	2717	3058	3335	3562
394	9400.00	1399	2171	2725	3066	3344	3571
395	9450.00	1403	2177	2732	3075	3353	3581
396	9500.00	1407	2183	2740	3083	3363	3591
397	9550.00	1411	2189	2748	3092	3372	3601
	9600.00	1415	2195	2755	3100	3381	3610

HB 7217

2006
CS

398	9650.00	1419	2201	2763	3109	3390	3620
399	9700.00	1422	2206	2767	3115	3396	3628
400	9750.00	1425	2210	2772	3121	3402	3634
401	9800.00	1427	2213	2776	3126	3408	3641
402	9850.00	1430	2217	2781	3132	3414	3647
403	9900.00	1432	2221	2786	3137	3420	3653
404	9950.00	1435	2225	2791	3143	3426	3659
405	10000.00	1437	2228	2795	3148	3432	3666

406

407 For combined monthly available income less than the amount set

408 out on the above schedules, the parent should be ordered to pay

409 a child support amount, determined on a case-by-case basis, to

410 establish the principle of payment and lay the basis for

411 increased orders should the parent's income increase in the

412 future. For combined monthly available income greater than the

413 amount set out in the above schedules, the obligation shall be

414 the minimum amount of support provided by the guidelines

415 schedule plus the following percentages multiplied by the amount

416 of income over \$10,000:

417

Child or Children

418

HB 7217

2006
CS

	One	Two	Three	Four	Five	Six
419	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

420
421 These percentages shall not be used to determine child support
422 beyond the amount necessary to satisfy the reasonable needs of
423 the child or children.

424 (7) Child care costs incurred on behalf of the children
425 due to employment, job search, or education calculated to result
426 in employment or to enhance income of current employment of
427 either parent shall be ~~reduced by 25 percent and then shall be~~
428 added to the basic obligation. After the ~~adjusted~~ child care
429 costs are added to the basic obligation, any moneys prepaid by
430 the noncustodial parent for child care costs for the child or
431 children of this action shall be deducted from that noncustodial
432 parent's child support obligation for that child or those
433 children. Child care costs shall not exceed the level required
434 to provide quality care from a licensed source for the children.

435 (8) Health insurance costs resulting from coverage ordered
436 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
437 and prescription medication expenses of the child, shall be
438 added to the basic obligation unless these expenses have been
439 ordered to be separately paid on a percentage basis. After the
440 health insurance costs are added to the basic obligation, any
441 moneys prepaid by the noncustodial parent for health-related
442 costs for the child or children of this action shall be deducted
443 from that noncustodial parent's child support obligation for
444 that child or those children.

HB 7217

2006
CS

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

448 (10) The total minimum child support need shall be
449 determined by adding child care costs and health insurance costs
450 to the minimum child support need. Each parent's actual dollar
451 share of the total minimum child support need shall be
452 determined by multiplying the minimum child support need by each
453 parent's percentage share of the combined monthly net income.

454 (11)(a) The court may adjust the total minimum child
455 support award, or either or both parents' share of the total
456 minimum child support award, based upon the following deviation
457 factors considerations:

458 1. Extraordinary medical, psychological, educational, or
459 dental expenses.

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

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

464 4. Seasonal variations in one or both parents' incomes or
465 expenses.

466 5. The age of the child, taking into account the greater
467 needs of older children.

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

HB 7217

2006
CS

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

475 8. The impact of the Internal Revenue Service dependency
476 exemption and waiver of that exemption and the impact of any
477 federal child care tax credit. The court may order the primary
478 residential parent to execute a waiver of the Internal Revenue
479 Service dependency exemption if the noncustodial parent is
480 current in support payments.

481 9. When application of the child support guidelines
482 requires a person to pay another person more than 55 percent of
483 his or her gross income for a child support obligation for
484 current support resulting from a single support order.

485 10. The particular parenting ~~shared-parental~~ arrangement,
486 such as where the child spends a significant amount of time, but
487 less than 20 ~~40~~ percent of the overnights, with the noncustodial
488 parent, thereby reducing the financial expenditures incurred by
489 the primary residential parent; or the refusal of the
490 noncustodial parent to become involved in the activities of the
491 child.

492 11. Any other adjustment which is needed to achieve an
493 equitable result which may include, but not be limited to, a
494 reasonable and necessary existing expense or debt. Such expense
495 or debt may include, but is not limited to, a reasonable and
496 necessary expense or debt which the parties jointly incurred
497 during the marriage.

498 (b) Whenever a particular parenting ~~shared-parental~~
499 arrangement provides that each child spend a substantial amount

HB 7217

2006
CS

500 of time with each parent, the court shall adjust any award of
501 child support, as follows:

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

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

510 3. Calculate the percentage of overnight stays the child
511 spends with each parent.

512 4. Multiply the noncustodial parent's support obligation
513 as calculated in subparagraph 1. by the percentage of the
514 custodial parent's overnight stays with the child as calculated
515 in subparagraph 3.

516 5. Multiply the custodial parent's support obligation as
517 calculated in subparagraph 2. by the percentage of the
518 noncustodial parent's overnight stays with the child as
519 calculated in subparagraph 3.

520 6. The difference between the amounts calculated in
521 subparagraphs 4. and 5. shall be the monetary transfer necessary
522 between the custodial and noncustodial parents for the care of
523 the child, subject to an adjustment for day care and health
524 insurance expenses.

525 7. Pursuant to subsections (7) and (8), calculate the net
526 amounts owed by the custodial and noncustodial parents for the
527 expenses incurred for day care and health insurance coverage for

HB 7217

2006
CS

528 | the child. ~~Day care shall be calculated without regard to the~~
529 | ~~25 percent reduction applied by subsection (7).~~

530 | 8. Adjust the support obligation owed by the custodial or
531 | noncustodial parent pursuant to subparagraph 6. by crediting or
532 | debiting the amount calculated in subparagraph 7. This amount
533 | represents the child support which must be exchanged between the
534 | custodial and noncustodial parents. However, if the amount to be
535 | paid is more than the child support that would be paid had the
536 | child support been calculated without adjustment for substantial
537 | parenting time, the court shall order child support to be paid
538 | without making the otherwise mandatory adjustment required by
539 | this paragraph.

540 | 9. The court may deviate from the child support amount
541 | calculated pursuant to subparagraph 8. based upon the deviation
542 | factors ~~considerations~~ set forth in paragraph (a), as well as
543 | the ~~custodial parent's~~ low income of either parent or the
544 | inability of either parent ~~and ability~~ to maintain the basic
545 | necessities of the home for the child, the likelihood that the
546 | noncustodial parent will actually exercise the visitation
547 | granted by the court, and whether all of the children are
548 | exercising the same parenting ~~shared parental~~ arrangement.

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

553 | (c) A noncustodial parent's failure to regularly exercise
554 | court-ordered or agreed visitation not caused by the custodial
555 | parent which resulted in the adjustment of the amount of child

HB 7217

2006
CS

556 support pursuant to subparagraph (a)10. or paragraph (b) shall
557 be deemed a substantial change of circumstances for purposes of
558 modifying the child support award. A modification pursuant to
559 this paragraph shall be retroactive to the date the noncustodial
560 parent first failed to regularly exercise court-ordered or
561 agreed visitation.

562 (d) A split parenting arrangement exists when there is
563 more than one child in common and each parent has the majority
564 of the overnight timesharing for one or more of the children. In
565 cases involving split parenting arrangements, the court shall
566 calculate and order child support as follows:

567 1. The court shall make two separate child support
568 calculations, one for each child or group of children residing
569 for a majority of the overnights with each parent.

570 2. The obligations arising from each initial child support
571 calculation shall be offset. The lower support obligation shall
572 be subtracted from the higher support obligation to determine
573 the split parenting child support obligation.

574 3. The parent owing the greater amount of child support in
575 subparagraph 1. shall pay the split parenting child support
576 obligation to the other parent.

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

HB 7217

2006
CS

583 employment if the court determines that the employment was
584 obtained primarily to support the subsequent children.

585 (b) Except as provided in paragraph (a), the existence of
586 such subsequent children should not as a general rule be
587 considered by the court as a basis for disregarding the amount
588 provided in the guidelines schedule. The parent with a support
589 obligation for subsequent children may raise the existence of
590 such subsequent children as a justification for deviation from
591 the guidelines schedule. However, if the existence of such
592 subsequent children is raised, the income of the other parent of
593 the subsequent children shall be considered by the court in
594 determining whether or not there is a basis for deviation from
595 the guideline amount.

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

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

603 (14) Every petition for child support or for modification
604 of child support shall be accompanied by an affidavit which
605 shows the party's income, allowable deductions, and net income
606 computed in accordance with this section. The affidavit shall be
607 served at the same time that the petition is served. The
608 respondent, whether or not a stipulation is entered, shall make
609 an affidavit which shows the party's income, allowable
610 deductions, and net income computed in accordance with this

HB 7217

2006
CS

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

615 (15) For purposes of establishing an obligation for
616 support in accordance with this section, if a person who is
617 receiving public assistance is found to be noncooperative as
618 defined in s. 409.2572, the IV-D agency is authorized to submit
619 to the court an affidavit attesting to the income of the
620 custodial parent based upon information available to the IV-D
621 agency.

622 (16) The Legislature shall review the guidelines
623 established in this section at least every 4 years beginning in
624 1997.

625 (17) In an initial determination of child support, whether
626 in a paternity action, dissolution of marriage action, or
627 petition for support during the marriage, the court has
628 discretion to award child support retroactive to the date when
629 the parents did not reside together in the same household with
630 the child, not to exceed a period of 24 months preceding the
631 filing of the petition, regardless of whether that date precedes
632 the filing of the petition. In determining the retroactive award
633 in such cases, the court shall consider the following:

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

HB 7217

2006
CS

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

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

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

646 Section 3. Paragraph (a) of subsection (5) of section
647 409.2563, Florida Statutes, is amended to read:

648 409.2563 Administrative establishment of child support
649 obligations.--

650 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

651 (a) After serving notice upon the noncustodial parent in
652 accordance with subsection (4), the department shall calculate
653 the noncustodial parent's child support obligation under the
654 child support guidelines as provided by s. 61.30, based on any
655 timely financial affidavits received and other information
656 available to the department. If either parent fails to comply
657 with the requirement to furnish a financial affidavit, the
658 department may proceed on the basis of information available
659 from any source, if such information is sufficiently reliable
660 and detailed to allow calculation of guideline amounts under s.
661 61.30. If the custodial parent receives public assistance and
662 fails to submit a financial affidavit, the department may submit
663 a financial affidavit for the custodial parent pursuant to s.
664 61.30(15). If there is a lack of sufficient reliable information
665 concerning a parent's actual earnings for a current or past
666 period, it shall be presumed for the purpose of establishing a

Page 29 of 32

HB 7217

2006
CS

667 support obligation that the parent had an earning capacity equal
 668 to the Florida ~~federal~~ minimum wage on a full-time basis during
 669 the applicable period, unless the parent shows that he or she is
 670 a resident of another state, in which case the state minimum
 671 wage applicable to the parent's state of residence shall apply
 672 if it is greater than the Florida minimum wage. In the absence
 673 of a state minimum wage or if the other state's minimum wage is
 674 lower than the Florida minimum wage, the federal minimum wage
 675 shall apply.

676 Section 4. Subsection (10) of section 409.2564, Florida
 677 Statutes, is amended to read:

678 409.2564 Actions for support.--

679 (10) For the purposes of denial, revocation, or limitation
 680 of an individual's United States passport, consistent with 42
 681 U.S.C. s. 652(k)(1), the Title IV-D agency shall have procedures
 682 to certify to the Secretary of the United States Department of
 683 Health and Human Services, in the format and accompanied by such
 684 supporting documentation as the secretary may require, a
 685 determination that an individual owes arrearages of support in
 686 an amount exceeding \$2,500 ~~\$5,000~~. Said procedures shall provide
 687 that the individual be given notice of the determination and of
 688 the consequence thereof and that the individual shall be given
 689 an opportunity to contest the accuracy of the determination.

690 Section 5. Section 409.25641, Florida Statutes, is amended
 691 to read:

692 409.25641 Procedures for processing automated
 693 administrative enforcement requests.--

HB 7217

2006
CS

694 (1) The department ~~Title IV-D agency~~ shall use automated
695 administrative enforcement, as defined in Title IV-D of the
696 Social Security Act, in response to a request from another state
697 to enforce a support order and shall promptly report the results
698 of enforcement action to the requesting state.

699 (2) This request:

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

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

705 (c) Shall constitute a certification by the requesting
706 state:

- 707 1. Of the amount of arrearage accrued under the order; and
- 708 2. That the requesting state has complied with all
709 procedural due process requirements applicable to the case.

710 (3) If assistance is provided by the department ~~Title IV-D~~
711 ~~agency~~ to another state as prescribed above, the department may
712 not neither state shall consider the case to be transferred from
713 the caseload of the other state to the caseload of the
714 department, but the department may establish a corresponding
715 case based on the other state's request for assistance ~~Title IV-~~
716 ~~D-agency.~~

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

719 (a) The number of requests received;

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

HB 7217

2006
CS

722 (c) The amount of such collected support.

723 (5) The department shall have authority to adopt rules to
724 implement this section.

725 Section 6. The Office of Program Policy Analysis and
726 Government Accountability shall evaluate the effectiveness of
727 the system currently used for complying with the federal
728 requirement that states review their child support guidelines at
729 least once every 4 years. The evaluation shall include a
730 comparison of all available methodologies being utilized by
731 other states in conducting their reviews of their child support
732 guidelines and include recommendations for either maintaining
733 the current review process with the Legislature or transferring
734 the responsibility to another entity. A report shall be
735 submitted to the Governor, the President of the Senate, and the
736 Speaker of the House of Representatives by January 31, 2007.

737 Section 7. This act shall take effect October 1, 2006.