

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; providing for income levels above what is
9 reflected in the schedule; revising amount of child care
10 costs to be added to the basic child support obligation;
11 revising method for calculating each parent's percentage
12 share of the child support need; revising method of
13 calculating the total minimum child support need; revising
14 factors to be considered by the court in adjusting child
15 support awards; providing for calculation of child support
16 orders in cases of split parenting arrangements;
17 specifying the method for determining a child support
18 order amount; amending s. 409.2563, F.S.; providing for
19 the imputation of income under certain circumstances;
20 amending s. 409.2564, F.S.; revising a threshold for
21 arrearages before passport restrictions apply; amending s.
22 409.25641, F.S.; requiring the Department of Revenue to
23 employ automated administrative enforcement of support
24 orders in interstate cases; authorizing the department to
25 establish a corresponding case under certain
26 circumstances; requiring the Office of Program Policy
27 Analysis and Government Accountability to evaluate state

28 compliance with federally required review of child support
29 guidelines and provide a report to the Governor and
30 Legislature; providing an effective date.
31

32 Be It Enacted by the Legislature of the State of Florida:
33

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

36 61.13 Custody and support of children; visitation rights;
37 power of court in making orders.--

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

53 (c) To the extent necessary to protect an award of child
54 support, the court may order either or both parents who owe a

55 duty of support to a child ~~the obligor~~ to purchase or maintain a
56 life insurance policy or a bond, or to otherwise secure the
57 child support award with any other assets which may be suitable
58 for that purpose, depending upon the equities of the cause.

59 Section 2. Section 61.30, Florida Statutes, is amended to
60 read:

61 61.30 Child support guidelines; guidelines schedule;
62 retroactive child support.--

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

82 | with the primary and secondary residential parents. This
83 | requirement applies to any living arrangement, whether temporary
84 | or permanent.

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

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

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

101 | (a) Gross income shall include, but is not limited to, the
102 | following ~~items~~:

103 | 1. Salary or wages.

104 | 2. Bonuses, commissions, allowances, overtime, tips, and
105 | other similar payments.

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

108 "Business income" means gross receipts minus ordinary and
 109 necessary expenses required to produce income.

- 110 4. Disability benefits.
- 111 5. All workers' compensation benefits and settlements.
- 112 6. Unemployment compensation.
- 113 7. Pension, retirement, or annuity payments.
- 114 8. Social security benefits.
- 115 9. Spousal support received from a previous marriage or
 116 court ordered in the marriage before the court.
- 117 10. Interest and dividends.
- 118 11. Rental income, which is gross receipts minus ordinary
 119 and necessary expenses required to produce the income.
- 120 12. Income from royalties, trusts, or estates.
- 121 13. Reimbursed expenses or in kind payments to the extent
 122 that they reduce living expenses.
- 123 14. Gains derived from dealings in property, unless the
 124 gain is nonrecurring.

125 (b)1. Income on a monthly basis shall be imputed to an
 126 unemployed or underemployed parent when such employment or
 127 underemployment is found by the court to be voluntary on that
 128 parent's part, absent a finding of fact by the court of physical
 129 or mental incapacity or other circumstances over which the
 130 parent has no control. In the event of such voluntary
 131 unemployment or underemployment, the employment potential and
 132 probable earnings level of the parent shall be determined based
 133 upon his or her recent work history, occupational
 134 qualifications, and prevailing earnings level in the community

135 as provided in this paragraph; however, the court may refuse to
136 impute income to a primary residential parent if the court finds
137 it necessary for the parent to stay home with the child who is
138 the subject of the child support calculation to care for that
139 child.

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

145 a. That the unemployment or underemployment is voluntary;
146 and

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

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

158 a. The parent has a physical or mental incapacity that
159 renders the parent unemployable or underemployed;

160 b. The parent needs to stay home with a child who is the
161 subject of the child support calculation proceedings and care

162 for that child, thereby preventing the parent's employment or
163 rendering the parent underemployed; or

164 c. There are other circumstances over which the parent has
165 no control, except for penal incarceration, which prevents the
166 parent from earning an income.

167
168 If evidence is produced that demonstrates that the parent is a
169 resident of another state, the state minimum wage applicable to
170 the parent's state of residence shall apply if it is greater
171 than the Florida minimum wage. In the absence of a state minimum
172 wage or if the other state's minimum wage is lower than the
173 Florida minimum wage, the federal minimum wage as determined by
174 the United States Department of Labor shall apply.

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

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

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

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

187 (3) Net income is obtained by subtracting allowable
 188 deductions from gross income. Allowable deductions shall
 189 include:
 190 (a) Federal, state, and local income tax deductions,
 191 adjusted for actual filing status and allowable dependents and
 192 income tax liabilities.
 193 (b) Federal insurance contributions or self-employment
 194 tax.
 195 (c) Mandatory union dues.
 196 (d) Mandatory retirement payments.
 197 (e) Health insurance payments, excluding payments for
 198 coverage of the minor child.
 199 (f) Court-ordered support for other children which is
 200 actually paid.
 201 (g) Spousal support paid pursuant to a court order from a
 202 previous marriage or the marriage before the court.
 203 (4) Net income for each parent ~~the obligor and net income~~
 204 ~~for the obligee~~ shall be computed by subtracting allowable
 205 deductions from gross income.
 206 (5) Net income for each parent ~~the obligor and net income~~
 207 ~~for the obligee~~ shall be added together for a combined net
 208 income.
 209 (6) The following guidelines schedules shall be applied to
 210 the combined net income to determine the minimum child support
 211 need:

Combined Monthly <u>Net</u>	Child or Children
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	Available Income						
		One	Two	Three	Four	Five	Six
213							
214	650.00	74	75	75	76	77	78
215	700.00	119	120	121	123	124	125
216	750.00	164	166	167	169	171	173
217	800.00	190	211	213	216	218	220
218	850.00	202	257	259	262	265	268
219	900.00	213	302	305	309	312	315
220	950.00	224	347	351	355	359	363
221	1000.00	235	365	397	402	406	410
222	1050.00	246	382	443	448	453	458
223	1100.00	258	400	489	495	500	505
224	1150.00	269	417	522	541	547	553
225	1200.00	280	435	544	588	594	600
226	1250.00	290	451	565	634	641	648
227	1300.00	300	467	584	659	688	695
228							

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229	1350.00	310	482	603	681	735	743
230	1400.00	320	498	623	702	765	790
231	1450.00	330	513	642	724	789	838
232	1500.00	340	529	662	746	813	869
233	1550.00	350	544	681	768	836	895
234	1600.00	360	560	701	790	860	920
235	1650.00	370	575	720	812	884	945
236	1700.00	380	591	740	833	907	971
237	1750.00	390	606	759	855	931	996
238	1800.00	400	622	779	877	955	1022
239	1850.00	410	638	798	900	979	1048
240	1900.00	421	654	818	923	1004	1074
241	1950.00	431	670	839	946	1029	1101
242	2000.00	442	686	859	968	1054	1128
243	2050.00	452	702	879	991	1079	1154
244	2100.00	463	718	899	1014	1104	1181

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245	2150.00	473	734	919	1037	1129	1207
246	2200.00	484	751	940	1060	1154	1234
247	2250.00	494	767	960	1082	1179	1261
248	2300.00	505	783	980	1105	1204	1287
249	2350.00	515	799	1000	1128	1229	1314
250	2400.00	526	815	1020	1151	1254	1340
251	2450.00	536	831	1041	1174	1279	1367
252	2500.00	547	847	1061	1196	1304	1394
253	2550.00	557	864	1081	1219	1329	1420
254	2600.00	568	880	1101	1242	1354	1447
255	2650.00	578	896	1121	1265	1379	1473
256	2700.00	588	912	1141	1287	1403	1500
257	2750.00	597	927	1160	1308	1426	1524
258	2800.00	607	941	1178	1328	1448	1549
259	2850.00	616	956	1197	1349	1471	1573
260	2900.00	626	971	1215	1370	1494	1598

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261	2950.00	635	986	1234	1391	1517	1622
262	3000.00	644	1001	1252	1412	1540	1647
263	3050.00	654	1016	1271	1433	1563	1671
264	3100.00	663	1031	1289	1453	1586	1695
265	3150.00	673	1045	1308	1474	1608	1720
266	3200.00	682	1060	1327	1495	1631	1744
267	3250.00	691	1075	1345	1516	1654	1769
268	3300.00	701	1090	1364	1537	1677	1793
269	3350.00	710	1105	1382	1558	1700	1818
270	3400.00	720	1120	1401	1579	1723	1842
271	3450.00	729	1135	1419	1599	1745	1867
272	3500.00	738	1149	1438	1620	1768	1891
273	3550.00	748	1164	1456	1641	1791	1915
274	3600.00	757	1179	1475	1662	1814	1940
275	3650.00	767	1194	1493	1683	1837	1964
276	3700.00	776	1208	1503	1702	1857	1987

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277	3750.00	784	1221	1520	1721	1878	2009
278	3800.00	793	1234	1536	1740	1899	2031
279	3850.00	802	1248	1553	1759	1920	2053
280	3900.00	811	1261	1570	1778	1940	2075
281	3950.00	819	1275	1587	1797	1961	2097
282	4000.00	828	1288	1603	1816	1982	2119
283	4050.00	837	1302	1620	1835	2002	2141
284	4100.00	846	1315	1637	1854	2023	2163
285	4150.00	854	1329	1654	1873	2044	2185
286	4200.00	863	1342	1670	1892	2064	2207
287	4250.00	872	1355	1687	1911	2085	2229
288	4300.00	881	1369	1704	1930	2106	2251
289	4350.00	889	1382	1721	1949	2127	2273
290	4400.00	898	1396	1737	1968	2147	2295
291	4450.00	907	1409	1754	1987	2168	2317
292	4500.00	916	1423	1771	2006	2189	2339

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293	4550.00	924	1436	1788	2024	2209	2361
294	4600.00	933	1450	1804	2043	2230	2384
295	4650.00	942	1463	1821	2062	2251	2406
296	4700.00	951	1477	1838	2081	2271	2428
297	4750.00	959	1490	1855	2100	2292	2450
298	4800.00	968	1503	1871	2119	2313	2472
299	4850.00	977	1517	1888	2138	2334	2494
300	4900.00	986	1530	1905	2157	2354	2516
301	4950.00	993	1542	1927	2174	2372	2535
302	5000.00	1000	1551	1939	2188	2387	2551
303	5050.00	1006	1561	1952	2202	2402	2567
304	5100.00	1013	1571	1964	2215	2417	2583
305	5150.00	1019	1580	1976	2229	2432	2599
306	5200.00	1025	1590	1988	2243	2447	2615
307	5250.00	1032	1599	2000	2256	2462	2631
308	5300.00	1038	1609	2012	2270	2477	2647

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309	5350.00	1045	1619	2024	2283	2492	2663
310	5400.00	1051	1628	2037	2297	2507	2679
311	5450.00	1057	1638	2049	2311	2522	2695
312	5500.00	1064	1647	2061	2324	2537	2711
313	5550.00	1070	1657	2073	2338	2552	2727
314	5600.00	1077	1667	2085	2352	2567	2743
315	5650.00	1083	1676	2097	2365	2582	2759
316	5700.00	1089	1686	2109	2379	2597	2775
317	5750.00	1096	1695	2122	2393	2612	2791
318	5800.00	1102	1705	2134	2406	2627	2807
319	5850.00	1107	1713	2144	2418	2639	2820
320	5900.00	1111	1721	2155	2429	2651	2833
321	5950.00	1116	1729	2165	2440	2663	2847
322	6000.00	1121	1737	2175	2451	2676	2860
323	6050.00	1126	1746	2185	2462	2688	2874
324	6100.00	1131	1754	2196	2473	2700	2887

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325	6150.00	1136	1762	2206	2484	2712	2900
326	6200.00	1141	1770	2216	2495	2724	2914
327	6250.00	1145	1778	2227	2506	2737	2927
328	6300.00	1150	1786	2237	2517	2749	2941
329	6350.00	1155	1795	2247	2529	2761	2954
330	6400.00	1160	1803	2258	2540	2773	2967
331	6450.00	1165	1811	2268	2551	2785	2981
332	6500.00	1170	1819	2278	2562	2798	2994
333	6550.00	1175	1827	2288	2573	2810	3008
334	6600.00	1179	1835	2299	2584	2822	3021
335	6650.00	1184	1843	2309	2595	2834	3034
336	6700.00	1189	1850	2317	2604	2845	3045
337	6750.00	1193	1856	2325	2613	2854	3055
338	6800.00	1196	1862	2332	2621	2863	3064
339	6850.00	1200	1868	2340	2630	2872	3074
340	6900.00	1204	1873	2347	2639	2882	3084

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341	6950.00	1208	1879	2355	2647	2891	3094
342	7000.00	1212	1885	2362	2656	2900	3103
343	7050.00	1216	1891	2370	2664	2909	3113
344	7100.00	1220	1897	2378	2673	2919	3123
345	7150.00	1224	1903	2385	2681	2928	3133
346	7200.00	1228	1909	2393	2690	2937	3142
347	7250.00	1232	1915	2400	2698	2946	3152
348	7300.00	1235	1921	2408	2707	2956	3162
349	7350.00	1239	1927	2415	2716	2965	3172
350	7400.00	1243	1933	2423	2724	2974	3181
351	7450.00	1247	1939	2430	2733	2983	3191
352	7500.00	1251	1945	2438	2741	2993	3201
353	7550.00	1255	1951	2446	2750	3002	3211
354	7600.00	1259	1957	2453	2758	3011	3220
355	7650.00	1263	1963	2461	2767	3020	3230
356	7700.00	1267	1969	2468	2775	3030	3240

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357	7750.00	1271	1975	2476	2784	3039	3250
358	7800.00	1274	1981	2483	2792	3048	3259
359	7850.00	1278	1987	2491	2801	3057	3269
360	7900.00	1282	1992	2498	2810	3067	3279
361	7950.00	1286	1998	2506	2818	3076	3289
362	8000.00	1290	2004	2513	2827	3085	3298
363	8050.00	1294	2010	2521	2835	3094	3308
364	8100.00	1298	2016	2529	2844	3104	3318
365	8150.00	1302	2022	2536	2852	3113	3328
366	8200.00	1306	2028	2544	2861	3122	3337
367	8250.00	1310	2034	2551	2869	3131	3347
368	8300.00	1313	2040	2559	2878	3141	3357
369	8350.00	1317	2046	2566	2887	3150	3367
370	8400.00	1321	2052	2574	2895	3159	3376
371	8450.00	1325	2058	2581	2904	3168	3386
372	8500.00	1329	2064	2589	2912	3178	3396

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373	8550.00	1333	2070	2597	2921	3187	3406
374	8600.00	1337	2076	2604	2929	3196	3415
375	8650.00	1341	2082	2612	2938	3205	3425
376	8700.00	1345	2088	2619	2946	3215	3435
377	8750.00	1349	2094	2627	2955	3224	3445
378	8800.00	1352	2100	2634	2963	3233	3454
379	8850.00	1356	2106	2642	2972	3242	3464
380	8900.00	1360	2111	2649	2981	3252	3474
381	8950.00	1364	2117	2657	2989	3261	3484
382	9000.00	1368	2123	2664	2998	3270	3493
383	9050.00	1372	2129	2672	3006	3279	3503
384	9100.00	1376	2135	2680	3015	3289	3513
385	9150.00	1380	2141	2687	3023	3298	3523
386	9200.00	1384	2147	2695	3032	3307	3532
387	9250.00	1388	2153	2702	3040	3316	3542
388	9300.00	1391	2159	2710	3049	3326	3552

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389	9350.00	1395	2165	2717	3058	3335	3562
390	9400.00	1399	2171	2725	3066	3344	3571
391	9450.00	1403	2177	2732	3075	3353	3581
392	9500.00	1407	2183	2740	3083	3363	3591
393	9550.00	1411	2189	2748	3092	3372	3601
394	9600.00	1415	2195	2755	3100	3381	3610
395	9650.00	1419	2201	2763	3109	3390	3620
396	9700.00	1422	2206	2767	3115	3396	3628
397	9750.00	1425	2210	2772	3121	3402	3634
398	9800.00	1427	2213	2776	3126	3408	3641
399	9850.00	1430	2217	2781	3132	3414	3647
400	9900.00	1432	2221	2786	3137	3420	3653
401	9950.00	1435	2225	2791	3143	3426	3659
402	10000.00	1437	2228	2795	3148	3432	3666

403 For combined monthly available income less than the amount set
 404 out on the above schedules, the parent should be ordered to pay
 405 a child support amount, determined on a case-by-case basis, to
 406 establish the principle of payment and lay the basis for

407 increased orders should the parent's income increase in the
 408 future. For combined monthly available income greater than the
 409 amount set out in the above schedules, the obligation shall be
 410 the minimum amount of support provided by the guidelines
 411 schedule plus the following percentages multiplied by the amount
 412 of income over \$10,000:

413 Child or Children

414 One	Two	Three	Four	Five	Six
415 5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

416
 417 These percentages shall not be used to determine child support
 418 beyond the amount necessary to satisfy the reasonable needs of
 419 the child or children.

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

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

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

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

450 (11)(a) The court may adjust the total minimum child
 451 support award, or either or both parents' share of the total
 452 minimum child support award, based upon the following deviation
 453 factors ~~considerations~~:

454 1. Extraordinary medical, psychological, educational, or
 455 dental expenses.

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

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

460 4. Seasonal variations in one or both parents' incomes or
461 expenses.

462 5. The age of the child, taking into account the greater
463 needs of older children.

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

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

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

477 9. When application of the child support guidelines
478 requires a person to pay another person more than 55 percent of
479 his or her gross income for a child support obligation for
480 current support resulting from a single support order.

481 10. The particular parenting ~~shared-parental~~ arrangement,
482 such as where the child spends a significant amount of time, but
483 less than 20 ~~40~~ percent of the overnights, with the noncustodial
484 parent, thereby reducing the financial expenditures incurred by

485 the primary residential parent; or the refusal of the
486 noncustodial parent to become involved in the activities of the
487 child.

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

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

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

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

506 3. Calculate the percentage of overnight stays the child
507 spends with each parent.

508 4. Multiply the noncustodial parent's support obligation
509 as calculated in subparagraph 1. by the percentage of the
510 custodial parent's overnight stays with the child as calculated
511 in subparagraph 3.

512 5. Multiply the custodial parent's support obligation as
513 calculated in subparagraph 2. by the percentage of the
514 noncustodial parent's overnight stays with the child as
515 calculated in subparagraph 3.

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

521 7. Pursuant to subsections (7) and (8), calculate the net
522 amounts owed by the custodial and noncustodial parents for the
523 expenses incurred for day care and health insurance coverage for
524 the child. ~~Day care shall be calculated without regard to the~~
525 ~~25 percent reduction applied by subsection (7).~~

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

536 9. The court may deviate from the child support amount
537 calculated pursuant to subparagraph 8. based upon the deviation
538 factors ~~considerations~~ set forth in paragraph (a), as well as

539 the custodial parent's low income and ability to maintain the
540 basic necessities of the home for the child, the likelihood that
541 the noncustodial parent will actually exercise the visitation
542 granted by the court, and whether all of the children are
543 exercising the same parenting ~~shared parental~~ arrangement.

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

548 (c) A noncustodial parent's failure to regularly exercise
549 court-ordered or agreed visitation not caused by the custodial
550 parent which resulted in the adjustment of the amount of child
551 support pursuant to subparagraph (a)10. or paragraph (b) shall
552 be deemed a substantial change of circumstances for purposes of
553 modifying the child support award. A modification pursuant to
554 this paragraph shall be retroactive to the date the noncustodial
555 parent first failed to regularly exercise court-ordered or
556 agreed visitation.

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

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

565 2. The obligations arising from each initial child support
566 calculation shall be offset. The lower support obligation shall
567 be subtracted from the higher support obligation to determine
568 the split parenting child support obligation.

569 3. The parent owing the greater amount of child support in
570 subparagraph 1. shall pay the split parenting child support
571 obligation to the other parent.

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

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

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

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

598 (14) Every petition for child support or for modification
599 of child support shall be accompanied by an affidavit which
600 shows the party's income, allowable deductions, and net income
601 computed in accordance with this section. The affidavit shall be
602 served at the same time that the petition is served. The
603 respondent, whether or not a stipulation is entered, shall make
604 an affidavit which shows the party's income, allowable
605 deductions, and net income computed in accordance with this
606 section. The respondent shall include his or her affidavit with
607 the answer to the petition or as soon thereafter as is
608 practicable, but in any case at least 72 hours prior to any
609 hearing on the finances of either party.

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

617 (16) The Legislature shall review the guidelines
 618 established in this section at least every 4 years beginning in
 619 1997.

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

629 (a) The court shall apply the guidelines schedule in
 630 effect at the time of the hearing subject to the obligor's
 631 demonstration of his or her actual income, as defined by
 632 subsection (2), during the retroactive period. Failure of the
 633 obligor to so demonstrate shall result in the court using the
 634 obligor's income at the time of the hearing in computing child
 635 support for the retroactive period.

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

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

641 Section 3. Paragraph (a) of subsection (5) of section
 642 409.2563, Florida Statutes, is amended to read:

643 409.2563 Administrative establishment of child support
644 obligations.--

645 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

646 (a) After serving notice upon the noncustodial parent in
647 accordance with subsection (4), the department shall calculate
648 the noncustodial parent's child support obligation under the
649 child support guidelines as provided by s. 61.30, based on any
650 timely financial affidavits received and other information
651 available to the department. If either parent fails to comply
652 with the requirement to furnish a financial affidavit, the
653 department may proceed on the basis of information available
654 from any source, if such information is sufficiently reliable
655 and detailed to allow calculation of guideline amounts under s.
656 61.30. If the custodial parent receives public assistance and
657 fails to submit a financial affidavit, the department may submit
658 a financial affidavit for the custodial parent pursuant to s.
659 61.30(15). If there is a lack of sufficient reliable information
660 concerning a parent's actual earnings for a current or past
661 period, it shall be presumed for the purpose of establishing a
662 support obligation that the parent had an earning capacity equal
663 to the Florida ~~federal~~ minimum wage on a full-time basis during
664 the applicable period, unless the parent shows that he or she is
665 a resident of another state, in which case the state minimum
666 wage applicable to the parent's state of residence shall apply
667 if it is greater than the Florida minimum wage. In the absence
668 of a state minimum wage or if the other state's minimum wage is

669 lower than the Florida minimum wage, the federal minimum wage
670 shall apply.

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

673 409.2564 Actions for support.--

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

685 Section 5. Section 409.25641, Florida Statutes, is amended
686 to read:

687 409.25641 Procedures for processing automated
688 administrative enforcement requests.--

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

694 (2) This request:

695 (a) May be transmitted from the other state by electronic
 696 or other means.

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

700 (c) Shall constitute a certification by the requesting
 701 state:

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

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

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

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

714 (a) The number of requests received;

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

717 (c) The amount of such collected support.

718 (5) The department shall have authority to adopt rules to
 719 implement this section.

720 Section 6. The Office of Program Policy Analysis and
 721 Government Accountability shall evaluate the effectiveness of

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

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