

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

29 report to the Governor and Legislature; providing an
 30 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 schedules in s. 61.30. The court initially
 42 entering an order requiring one or both parents to make child
 43 support payments shall have continuing jurisdiction after the
 44 entry of the initial order to modify the amount and terms and
 45 conditions of the child support payments when the modification
 46 is found necessary by the court in the best interests of the
 47 child, when the child reaches majority, or when there is a
 48 substantial change in the circumstances of the parties. The
 49 court initially entering a child support order shall also have
 50 continuing jurisdiction to require the obligee to report to the
 51 court on terms prescribed by the court regarding the disposition
 52 of the 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 bond⁷ or to otherwise secure the

HB 1571

2007

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 schedules;
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.

HB 1571

2007

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

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

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

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

104 1. Salary or wages.

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

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

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

111 4. Disability benefits.

112 5. All workers' compensation benefits and settlements.

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

HB 1571

2007

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

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

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

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

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

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

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

168

HB 1571

2007

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

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

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

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

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

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

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

195 (b) Federal insurance contributions or self-employment
196 tax.

- 197 (c) Mandatory union dues.
- 198 (d) Mandatory retirement payments.
- 199 (e) Health insurance payments, excluding payments for
- 200 coverage of the minor child.
- 201 (f) Court-ordered support for other children which is
- 202 actually paid.
- 203 (g) Spousal support paid pursuant to a court order from a
- 204 previous marriage or the marriage before the court.
- 205 (4) Net income for each parent ~~the obligor and net income~~
- 206 ~~for the obligee~~ shall be computed by subtracting allowable
- 207 deductions from gross income.
- 208 (5) Net income for each parent ~~the obligor and net income~~
- 209 ~~for the obligee~~ shall be added together for a combined net
- 210 income.
- 211 (6) The following guidelines schedules shall be applied to
- 212 the combined net income to determine the minimum child support
- 213 need:

	Combined Monthly <u>Net</u>		Child or Children				
	<u>Available</u> Income		One	Two	Three	Four	Five
215	650.00	74	75	75	76	77	78
217	700.00	119	120	121	123	124	125

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 1571

2007

219	750.00	164	166	167	169	171	173
220	800.00	190	211	213	216	218	220
221	850.00	202	257	259	262	265	268
222	900.00	213	302	305	309	312	315
223	950.00	224	347	351	355	359	363
224	1000.00	235	365	397	402	406	410
225	1050.00	246	382	443	448	453	458
226	1100.00	258	400	489	495	500	505
227	1150.00	269	417	522	541	547	553
228	1200.00	280	435	544	588	594	600
229	1250.00	290	451	565	634	641	648
230	1300.00	300	467	584	659	688	695
231	1350.00	310	482	603	681	735	743
232	1400.00	320	498	623	702	765	790

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 1571

2007

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

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 1571

2007

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

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 1571

2007

261	2850.00	616	956	1197	1349	1471	1573
262	2900.00	626	971	1215	1370	1494	1598
263	2950.00	635	986	1234	1391	1517	1622
264	3000.00	644	1001	1252	1412	1540	1647
265	3050.00	654	1016	1271	1433	1563	1671
266	3100.00	663	1031	1289	1453	1586	1695
267	3150.00	673	1045	1308	1474	1608	1720
268	3200.00	682	1060	1327	1495	1631	1744
269	3250.00	691	1075	1345	1516	1654	1769
270	3300.00	701	1090	1364	1537	1677	1793
271	3350.00	710	1105	1382	1558	1700	1818
272	3400.00	720	1120	1401	1579	1723	1842
273	3450.00	729	1135	1419	1599	1745	1867
274	3500.00	738	1149	1438	1620	1768	1891

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 1571

2007

275	3550.00	748	1164	1456	1641	1791	1915
276	3600.00	757	1179	1475	1662	1814	1940
277	3650.00	767	1194	1493	1683	1837	1964
278	3700.00	776	1208	1503	1702	1857	1987
279	3750.00	784	1221	1520	1721	1878	2009
280	3800.00	793	1234	1536	1740	1899	2031
281	3850.00	802	1248	1553	1759	1920	2053
282	3900.00	811	1261	1570	1778	1940	2075
283	3950.00	819	1275	1587	1797	1961	2097
284	4000.00	828	1288	1603	1816	1982	2119
285	4050.00	837	1302	1620	1835	2002	2141
286	4100.00	846	1315	1637	1854	2023	2163
287	4150.00	854	1329	1654	1873	2044	2185
288	4200.00	863	1342	1670	1892	2064	2207

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 1571

2007

289	4250.00	872	1355	1687	1911	2085	2229
290	4300.00	881	1369	1704	1930	2106	2251
291	4350.00	889	1382	1721	1949	2127	2273
292	4400.00	898	1396	1737	1968	2147	2295
293	4450.00	907	1409	1754	1987	2168	2317
294	4500.00	916	1423	1771	2006	2189	2339
295	4550.00	924	1436	1788	2024	2209	2361
296	4600.00	933	1450	1804	2043	2230	2384
297	4650.00	942	1463	1821	2062	2251	2406
298	4700.00	951	1477	1838	2081	2271	2428
299	4750.00	959	1490	1855	2100	2292	2450
300	4800.00	968	1503	1871	2119	2313	2472
301	4850.00	977	1517	1888	2138	2334	2494
302	4900.00	986	1530	1905	2157	2354	2516

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 1571

2007

303	4950.00	993	1542	1927	2174	2372	2535
304	5000.00	1000	1551	1939	2188	2387	2551
305	5050.00	1006	1561	1952	2202	2402	2567
306	5100.00	1013	1571	1964	2215	2417	2583
307	5150.00	1019	1580	1976	2229	2432	2599
308	5200.00	1025	1590	1988	2243	2447	2615
309	5250.00	1032	1599	2000	2256	2462	2631
310	5300.00	1038	1609	2012	2270	2477	2647
311	5350.00	1045	1619	2024	2283	2492	2663
312	5400.00	1051	1628	2037	2297	2507	2679
313	5450.00	1057	1638	2049	2311	2522	2695
314	5500.00	1064	1647	2061	2324	2537	2711
315	5550.00	1070	1657	2073	2338	2552	2727
316	5600.00	1077	1667	2085	2352	2567	2743

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 1571

2007

317	5650.00	1083	1676	2097	2365	2582	2759
318	5700.00	1089	1686	2109	2379	2597	2775
319	5750.00	1096	1695	2122	2393	2612	2791
320	5800.00	1102	1705	2134	2406	2627	2807
321	5850.00	1107	1713	2144	2418	2639	2820
322	5900.00	1111	1721	2155	2429	2651	2833
323	5950.00	1116	1729	2165	2440	2663	2847
324	6000.00	1121	1737	2175	2451	2676	2860
325	6050.00	1126	1746	2185	2462	2688	2874
326	6100.00	1131	1754	2196	2473	2700	2887
327	6150.00	1136	1762	2206	2484	2712	2900
328	6200.00	1141	1770	2216	2495	2724	2914
329	6250.00	1145	1778	2227	2506	2737	2927
330	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 1571

2007

331	6350.00	1155	1795	2247	2529	2761	2954
332	6400.00	1160	1803	2258	2540	2773	2967
333	6450.00	1165	1811	2268	2551	2785	2981
334	6500.00	1170	1819	2278	2562	2798	2994
335	6550.00	1175	1827	2288	2573	2810	3008
336	6600.00	1179	1835	2299	2584	2822	3021
337	6650.00	1184	1843	2309	2595	2834	3034
338	6700.00	1189	1850	2317	2604	2845	3045
339	6750.00	1193	1856	2325	2613	2854	3055
340	6800.00	1196	1862	2332	2621	2863	3064
341	6850.00	1200	1868	2340	2630	2872	3074
342	6900.00	1204	1873	2347	2639	2882	3084
343	6950.00	1208	1879	2355	2647	2891	3094
344	7000.00	1212	1885	2362	2656	2900	3103

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 1571

2007

345	7050.00	1216	1891	2370	2664	2909	3113
346	7100.00	1220	1897	2378	2673	2919	3123
347	7150.00	1224	1903	2385	2681	2928	3133
348	7200.00	1228	1909	2393	2690	2937	3142
349	7250.00	1232	1915	2400	2698	2946	3152
350	7300.00	1235	1921	2408	2707	2956	3162
351	7350.00	1239	1927	2415	2716	2965	3172
352	7400.00	1243	1933	2423	2724	2974	3181
353	7450.00	1247	1939	2430	2733	2983	3191
354	7500.00	1251	1945	2438	2741	2993	3201
355	7550.00	1255	1951	2446	2750	3002	3211
356	7600.00	1259	1957	2453	2758	3011	3220
357	7650.00	1263	1963	2461	2767	3020	3230
358	7700.00	1267	1969	2468	2775	3030	3240

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 1571

2007

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

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 1571

2007

373	8450.00	1325	2058	2581	2904	3168	3386
374	8500.00	1329	2064	2589	2912	3178	3396
375	8550.00	1333	2070	2597	2921	3187	3406
376	8600.00	1337	2076	2604	2929	3196	3415
377	8650.00	1341	2082	2612	2938	3205	3425
378	8700.00	1345	2088	2619	2946	3215	3435
379	8750.00	1349	2094	2627	2955	3224	3445
380	8800.00	1352	2100	2634	2963	3233	3454
381	8850.00	1356	2106	2642	2972	3242	3464
382	8900.00	1360	2111	2649	2981	3252	3474
383	8950.00	1364	2117	2657	2989	3261	3484
384	9000.00	1368	2123	2664	2998	3270	3493
385	9050.00	1372	2129	2672	3006	3279	3503
386	9100.00	1376	2135	2680	3015	3289	3513

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 1571

2007

387	9150.00	1380	2141	2687	3023	3298	3523
388	9200.00	1384	2147	2695	3032	3307	3532
389	9250.00	1388	2153	2702	3040	3316	3542
390	9300.00	1391	2159	2710	3049	3326	3552
391	9350.00	1395	2165	2717	3058	3335	3562
392	9400.00	1399	2171	2725	3066	3344	3571
393	9450.00	1403	2177	2732	3075	3353	3581
394	9500.00	1407	2183	2740	3083	3363	3591
395	9550.00	1411	2189	2748	3092	3372	3601
396	9600.00	1415	2195	2755	3100	3381	3610
397	9650.00	1419	2201	2763	3109	3390	3620
398	9700.00	1422	2206	2767	3115	3396	3628
399	9750.00	1425	2210	2772	3121	3402	3634
400	9800.00	1427	2213	2776	3126	3408	3641

HB 1571

2007

401	9850.00	1430	2217	2781	3132	3414	3647
402	9900.00	1432	2221	2786	3137	3420	3653
403	9950.00	1435	2225	2791	3143	3426	3659
404	10000.00	1437	2228	2795	3148	3432	3666

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

415 Child or Children

416	One	Two	Three	Four	Five	Six
417	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

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

HB 1571

2007

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

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

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

446 (10) The total minimum child support need shall be
447 determined by adding child care costs and health insurance costs
448 to the minimum child support need. Each parent's actual dollar
449 share of the total minimum child support need shall be

HB 1571

2007

450 determined by multiplying the minimum child support need by each
451 parent's percentage share of the combined monthly net income.

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

456 1. Extraordinary medical, psychological, educational, or
457 dental expenses.

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

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

462 4. Seasonal variations in one or both parents' incomes or
463 expenses.

464 5. The age of the child, taking into account the greater
465 needs of older children.

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

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

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

478 current in support payments.

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

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

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

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

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

505 2. In accordance with subsections (9) and (10), calculate

HB 1571

2007

506 the amount of support obligation apportioned to the custodial
507 parent without including day care and health insurance costs in
508 the calculation and multiply the amount by 1.5.

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

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

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

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

524 7. Pursuant to subsections (7) and (8), calculate the net
525 amounts owed by the custodial and noncustodial parents for the
526 expenses incurred for day care and health insurance coverage for
527 the child. ~~Day care shall be calculated without regard to the~~
528 ~~25 percent reduction applied by subsection (7).~~

529 8. Adjust the support obligation owed by the custodial or
530 noncustodial parent pursuant to subparagraph 6. by crediting or
531 debiting the amount calculated in subparagraph 7. This amount
532 represents the child support which must be exchanged between the
533 custodial and noncustodial parents. However, if the amount to be

HB 1571

2007

534 paid is more than the child support that would be paid had the
535 child support been calculated without adjustment for substantial
536 parenting time, the court shall order child support to be paid
537 without making the otherwise mandatory adjustment required by
538 this paragraph.

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

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

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

560 (d) A split parenting arrangement exists when there is
561 more than one child in common and each parent has the majority

HB 1571

2007

562 of the overnight timesharing for one or more of the children. In
563 cases involving split parenting arrangements, the court shall
564 calculate and order child support as follows:

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

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

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

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

583 (b) Except as provided in paragraph (a), the existence of
584 such subsequent children should not as a general rule be
585 considered by the court as a basis for disregarding the amount
586 provided in the guidelines schedules. The parent with a support
587 obligation for subsequent children may raise the existence of
588 such subsequent children as a justification for deviation from
589 the guidelines schedules. However, if the existence of such

HB 1571

2007

590 subsequent children is raised, the income of the other parent of
591 the subsequent children shall be considered by the court in
592 determining whether or not there is a basis for deviation from
593 the guidelines schedules ~~guideline amount~~.

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

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

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

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

HB 1571

2007

618 | custodial parent based upon information available to the IV-D
 619 | agency.

620 | (16) The Legislature shall review the guidelines schedules
 621 | established in this section at least every 4 years beginning in
 622 | 1997.

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

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

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

642 | (c) The court should consider an installment payment plan
 643 | for the payment of retroactive child support.

644 | Section 3. Paragraph (a) of subsection (5) of section
 645 | 409.2563, Florida Statutes, is amended to read:

HB 1571

2007

646 409.2563 Administrative establishment of child support
647 obligations.--

648 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

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

HB 1571

2007

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

676 409.2564 Actions for support.--

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

688 Section 5. Section 409.25641, Florida Statutes, is amended
 689 to read:

690 409.25641 Procedures for processing automated
 691 administrative enforcement requests.--

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

697 (2) This request:

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

700 (b) Shall contain sufficient identifying information to
 701 allow comparison with the databases within the state which are

702 available to the department. ~~Title IV D agency~~; and
 703 (c) Shall constitute a certification by the requesting
 704 state:
 705 1. Of the amount of arrearage accrued under the order; and
 706 2. That the requesting state has complied with all
 707 procedural due process requirements applicable to the case.
 708 (3) If assistance is provided by the department ~~Title IV D~~
 709 ~~agency~~ to another state as prescribed above, the department may
 710 not neither state shall consider the case to be transferred from
 711 the caseload of the other state to the caseload of the
 712 department, but the department may establish a corresponding
 713 case based on the other state's request for assistance ~~Title IV~~
 714 ~~D agency~~.
 715 (4) The department ~~Title IV D agency~~ shall maintain a
 716 record of:
 717 (a) The number of requests received;
 718 (b) The number of cases for which the department ~~Title IV~~
 719 ~~D agency~~ collected support in response to such a request; and
 720 (c) The amount of such collected support.
 721 (5) The department shall have authority to adopt rules to
 722 implement this section.
 723 Section 6. The Office of Program Policy Analysis and
 724 Government Accountability shall evaluate the effectiveness of
 725 the system currently used for complying with the federal
 726 requirement that each state review its child support guidelines
 727 at least once every 4 years. The evaluation shall include a
 728 comparison of all available methodologies being utilized by
 729 other states in conducting their reviews of their child support

HB 1571

2007

730 guidelines and include recommendations for either maintaining
731 the current review process with the Legislature or transferring
732 the responsibility to another entity. A report shall be
733 submitted to the Governor, the President of the Senate, and the
734 Speaker of the House of Representatives by January 31, 2008.

735 Section 7. This act shall take effect July 1, 2007.