

By Senator Rich

34-1417B-07

1 A bill to be entitled
2 An act relating to child support; amending s.
3 61.13, F.S.; requiring certain provisions to be
4 placed in all child support and income
5 deduction orders; amending s. 61.30, F.S.;
6 providing conditions for the imputation of
7 income by the court under certain
8 circumstances; providing for the determination
9 of net income; providing the child support
10 guidelines schedule; providing for income
11 levels above what is reflected in the schedule;
12 revising amount of child care costs to be added
13 to the basic child support obligation; revising
14 method for calculating each parent's percentage
15 share of the child support need; revising
16 method of calculating the total minimum child
17 support need; revising factors to be considered
18 by the court in adjusting child support awards;
19 providing for calculation of child support
20 orders in cases of split parenting
21 arrangements; specifying the method for
22 determining a child support order amount;
23 amending s. 409.2563, F.S.; providing for the
24 imputation of income under certain
25 circumstances; amending s. 409.2564, F.S.;
26 revising a threshold for arrearages before
27 passport restrictions apply; amending s.
28 409.25641, F.S.; requiring the Department of
29 Revenue to employ automated administrative
30 enforcement of support orders in interstate
31 cases; authorizing the department to establish

1 a corresponding case under certain
2 circumstances; requiring the Office of Program
3 Policy Analysis and Government Accountability
4 to evaluate state compliance with federally
5 required review of child support guidelines and
6 provide a report to the Governor and
7 Legislature; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

11 Section 1. Paragraph (a) of subsection (1) of section
12 61.13, Florida Statutes, is amended to read:

13 61.13 Custody and support of children; visitation
14 rights; power of court in making orders.--

15 (1)(a) In a proceeding under this chapter, the court
16 may at any time order either or both parents who owe a duty of
17 support to a child to pay support in accordance with the child
18 support guidelines in s. 61.30.

19 1. All child support orders and income deduction
20 orders entered on or after October 1, 2007, shall provide for:

21 a. Child support to terminate upon a child's 18th
22 birthday unless the court finds or has previously found that
23 s. 743.07(2) applies, or unless otherwise agreed to by the
24 parties.

25 b. A schedule, based upon the record existing at the
26 time of the order, stating the amount of the monthly child
27 support obligation for all minor children at the time of the
28 order and the amount of child support that will be owed for
29 the remaining children for whom child support will continue
30 when any child is no longer entitled to receive child support
31 under this subparagraph.

1 c. The month and year the reduction, or termination,
2 of child support becomes effective.

3 2. The court initially entering an order requiring one
4 or both parents to make child support payments ~~has shall have~~
5 continuing jurisdiction after the entry of the initial order
6 to modify the amount and terms and conditions of the child
7 support payments when the modification is found necessary by
8 the court in the best interests of the child, when the child
9 reaches majority, or when there is a substantial change in the
10 circumstances of the parties; or when s. 743.07(2) applies or
11 when a child is emancipated, marries, joins the armed services
12 or dies, notwithstanding subparagraph 1. The court initially
13 entering a child support order ~~has shall also have~~ continuing
14 jurisdiction to require the obligee to report to the court on
15 terms prescribed by the court regarding the disposition of the
16 child support payments.

17 Section 2. Section 61.30, Florida Statutes, is amended
18 to read:

19 61.30 Child support guidelines; guidelines schedule;
20 retroactive child support.--

21 (1)(a) The child support guideline amount as
22 determined by this section presumptively establishes the
23 amount the trier of fact shall order as child support in an
24 initial proceeding for such support or in a proceeding for
25 modification of an existing order for such support, whether
26 the proceeding arises under this or another chapter. The trier
27 of fact may order payment of child support which varies, plus
28 or minus 5 percent, from the guideline amount, after
29 considering all relevant factors, including the needs of the
30 child or children, age, station in life, standard of living,
31 and the financial status and ability of each parent. The trier

1 of fact may order payment of child support in an amount which
2 varies more than 5 percent from such guideline amount only
3 upon a written finding explaining why ordering payment of such
4 guideline amount would be unjust or inappropriate.
5 Notwithstanding the variance limitations of this section, the
6 trier of fact shall order payment of child support which
7 varies from the guideline amount as provided in paragraph
8 (11)(b) whenever any of the children are required by court
9 order or mediation agreement to spend a substantial amount of
10 time with the primary and secondary residential parents. This
11 requirement applies to any living arrangement, whether
12 temporary or permanent.

13 (b) The guidelines may provide the basis for proving a
14 substantial change in circumstances upon which a modification
15 of an existing order may be granted. However, the difference
16 between the existing monthly obligation and the amount
17 provided for under the guidelines shall be at least 15 percent
18 or \$50, whichever amount is greater, before the court may find
19 that the guidelines provide a substantial change in
20 circumstances.

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

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

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

- 1 1. Salary or wages.
- 2 2. Bonuses, commissions, allowances, overtime, tips,
3 and other similar payments.
- 4 3. Business income from sources such as
5 self-employment, partnership, close corporations, and
6 independent contracts. "Business income" means gross receipts
7 minus ordinary and necessary expenses required to produce
8 income.
- 9 4. Disability benefits.
- 10 5. All workers' compensation benefits and settlements.
- 11 6. Unemployment compensation.
- 12 7. Pension, retirement, or annuity payments.
- 13 8. Social security benefits.
- 14 9. Spousal support received from a previous marriage
15 or court ordered in the marriage before the court.
- 16 10. Interest and dividends.
- 17 11. Rental income, which is gross receipts minus
18 ordinary and necessary expenses required to produce the
19 income.
- 20 12. Income from royalties, trusts, or estates.
- 21 13. Reimbursed expenses or in kind payments to the
22 extent that they reduce living expenses.
- 23 14. Gains derived from dealings in property, unless
24 the gain is nonrecurring.
- 25 (b)1. Income on a monthly basis shall be imputed to an
26 unemployed or underemployed parent when such employment or
27 underemployment is found by the court to be voluntary on that
28 parent's part, absent a finding of fact by the court of
29 physical or mental incapacity or other circumstances over
30 which the parent has no control. In the event of such
31 voluntary unemployment or underemployment, the employment

1 potential and probable earnings level of the parent shall be
2 determined based upon his or her recent work history,
3 occupational qualifications, and prevailing earnings level in
4 the community as provided in this paragraph; however, the
5 court may refuse to impute income to a primary residential
6 parent if the court finds it necessary for the parent to stay
7 home with the child who is the subject of the child support
8 calculation.

9 2. In order for the court to impute income under
10 subparagraph 1., the court must make specific findings of fact
11 consistent with the requirements of this paragraph. The party
12 seeking to impute income has the burden to present competent,
13 substantial evidence:

14 a. That the unemployment or underemployment is
15 voluntary; and

16 b. That identifies the amount and source of the
17 imputed income, through evidence of available income from
18 employment for which the party is suitably qualified by
19 education, experience, current licensure, or geographic
20 location, with due consideration being given to the parties'
21 time-sharing plan and their historical exercise of the
22 time-sharing provided in that plan.

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

28 a. The parent has a physical or mental incapacity that
29 renders the parent unemployable or underemployed;

30 b. The parent needs to stay home to care for a child
31 who is the subject of the child support calculation, thereby

1 preventing the parent's employment or rendering the parent
2 underemployed; or

3 c. There are other circumstances over which the parent
4 has no control, except for penal incarceration, which prevents
5 the parent from earning an income.

6
7 If evidence is produced that demonstrates that the parent is a
8 resident of another state, that state's minimum wage law shall
9 apply. In the absence of a state minimum wage, the federal
10 minimum wage as determined by the United States Department of
11 Labor shall apply.

12 4. Unless the court makes the appropriate findings
13 under sub-subparagraph 2.b., income may not be imputed beyond
14 minimum wage requirements in subparagraph 3. based upon:

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

18 b. Income at a level that a party has never earned in
19 the past, unless recently degreed, licensed, certified,
20 relicensed, or recertified and thus qualified for, subject to
21 geographic location, with due consideration of the party's
22 existing time-sharing plan and their historical exercise of
23 the time share provided in the plan.

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

26 (3) Net income is obtained by subtracting allowable
27 deductions from gross income. Allowable deductions shall
28 include:

29 (a) Federal, state, and local income tax deductions,
30 adjusted for actual filing status and allowable dependents and
31 income tax liabilities.

- 1 (b) Federal insurance contributions or self-employment
2 tax.
- 3 (c) Mandatory union dues.
- 4 (d) Mandatory retirement payments.
- 5 (e) Health insurance payments, excluding payments for
6 coverage of the minor child.
- 7 (f) Court-ordered support for other children which is
8 actually paid.
- 9 (g) Spousal support paid pursuant to a court order
10 from a previous marriage or the marriage before the court.
- 11 (4) Net income for each parent ~~the obligor and net~~
12 ~~income for the obligee~~ shall be computed by subtracting
13 allowable deductions from gross income.
- 14 (5) Net income for each parent ~~the obligor and net~~
15 ~~income for the obligee~~ shall be added together for a combined
16 net income.
- 17 (6) The following guidelines schedules shall be
18 applied to the combined net income to determine the minimum
19 child support need:

20 Combined	21 Child or Children					
22 <u>Net</u>	23 Available					
24 Income	One	Two	Three	Four	Five	Six
25 650.00	74	75	75	76	77	78
26 700.00	119	120	121	123	124	125
27 750.00	164	166	167	169	171	173
28 800.00	190	211	213	216	218	220
29 850.00	202	257	259	262	265	268
30 900.00	213	302	305	309	312	315
31 950.00	224	347	351	355	359	363

1	1000.00	235	365	397	402	406	410
2	1050.00	246	382	443	448	453	458
3	1100.00	258	400	489	495	500	505
4	1150.00	269	417	522	541	547	553
5	1200.00	280	435	544	588	594	600
6	1250.00	290	451	565	634	641	648
7	1300.00	300	467	584	659	688	695
8	1350.00	310	482	603	681	735	743
9	1400.00	320	498	623	702	765	790
10	1450.00	330	513	642	724	789	838
11	1500.00	340	529	662	746	813	869
12	1550.00	350	544	681	768	836	895
13	1600.00	360	560	701	790	860	920
14	1650.00	370	575	720	812	884	945
15	1700.00	380	591	740	833	907	971
16	1750.00	390	606	759	855	931	996
17	1800.00	400	622	779	877	955	1022
18	1850.00	410	638	798	900	979	1048
19	1900.00	421	654	818	923	1004	1074
20	1950.00	431	670	839	946	1029	1101
21	2000.00	442	686	859	968	1054	1128
22	2050.00	452	702	879	991	1079	1154
23	2100.00	463	718	899	1014	1104	1181
24	2150.00	473	734	919	1037	1129	1207
25	2200.00	484	751	940	1060	1154	1234
26	2250.00	494	767	960	1082	1179	1261
27	2300.00	505	783	980	1105	1204	1287
28	2350.00	515	799	1000	1128	1229	1314
29	2400.00	526	815	1020	1151	1254	1340
30	2450.00	536	831	1041	1174	1279	1367
31	2500.00	547	847	1061	1196	1304	1394

1	2550.00	557	864	1081	1219	1329	1420
2	2600.00	568	880	1101	1242	1354	1447
3	2650.00	578	896	1121	1265	1379	1473
4	2700.00	588	912	1141	1287	1403	1500
5	2750.00	597	927	1160	1308	1426	1524
6	2800.00	607	941	1178	1328	1448	1549
7	2850.00	616	956	1197	1349	1471	1573
8	2900.00	626	971	1215	1370	1494	1598
9	2950.00	635	986	1234	1391	1517	1622
10	3000.00	644	1001	1252	1412	1540	1647
11	3050.00	654	1016	1271	1433	1563	1671
12	3100.00	663	1031	1289	1453	1586	1695
13	3150.00	673	1045	1308	1474	1608	1720
14	3200.00	682	1060	1327	1495	1631	1744
15	3250.00	691	1075	1345	1516	1654	1769
16	3300.00	701	1090	1364	1537	1677	1793
17	3350.00	710	1105	1382	1558	1700	1818
18	3400.00	720	1120	1401	1579	1723	1842
19	3450.00	729	1135	1419	1599	1745	1867
20	3500.00	738	1149	1438	1620	1768	1891
21	3550.00	748	1164	1456	1641	1791	1915
22	3600.00	757	1179	1475	1662	1814	1940
23	3650.00	767	1194	1493	1683	1837	1964
24	3700.00	776	1208	1503	1702	1857	1987
25	3750.00	784	1221	1520	1721	1878	2009
26	3800.00	793	1234	1536	1740	1899	2031
27	3850.00	802	1248	1553	1759	1920	2053
28	3900.00	811	1261	1570	1778	1940	2075
29	3950.00	819	1275	1587	1797	1961	2097
30	4000.00	828	1288	1603	1816	1982	2119
31	4050.00	837	1302	1620	1835	2002	2141

1	4100.00	846	1315	1637	1854	2023	2163
2	4150.00	854	1329	1654	1873	2044	2185
3	4200.00	863	1342	1670	1892	2064	2207
4	4250.00	872	1355	1687	1911	2085	2229
5	4300.00	881	1369	1704	1930	2106	2251
6	4350.00	889	1382	1721	1949	2127	2273
7	4400.00	898	1396	1737	1968	2147	2295
8	4450.00	907	1409	1754	1987	2168	2317
9	4500.00	916	1423	1771	2006	2189	2339
10	4550.00	924	1436	1788	2024	2209	2361
11	4600.00	933	1450	1804	2043	2230	2384
12	4650.00	942	1463	1821	2062	2251	2406
13	4700.00	951	1477	1838	2081	2271	2428
14	4750.00	959	1490	1855	2100	2292	2450
15	4800.00	968	1503	1871	2119	2313	2472
16	4850.00	977	1517	1888	2138	2334	2494
17	4900.00	986	1530	1905	2157	2354	2516
18	4950.00	993	1542	1927	2174	2372	2535
19	5000.00	1000	1551	1939	2188	2387	2551
20	5050.00	1006	1561	1952	2202	2402	2567
21	5100.00	1013	1571	1964	2215	2417	2583
22	5150.00	1019	1580	1976	2229	2432	2599
23	5200.00	1025	1590	1988	2243	2447	2615
24	5250.00	1032	1599	2000	2256	2462	2631
25	5300.00	1038	1609	2012	2270	2477	2647
26	5350.00	1045	1619	2024	2283	2492	2663
27	5400.00	1051	1628	2037	2297	2507	2679
28	5450.00	1057	1638	2049	2311	2522	2695
29	5500.00	1064	1647	2061	2324	2537	2711
30	5550.00	1070	1657	2073	2338	2552	2727
31	5600.00	1077	1667	2085	2352	2567	2743

1	5650.00	1083	1676	2097	2365	2582	2759
2	5700.00	1089	1686	2109	2379	2597	2775
3	5750.00	1096	1695	2122	2393	2612	2791
4	5800.00	1102	1705	2134	2406	2627	2807
5	5850.00	1107	1713	2144	2418	2639	2820
6	5900.00	1111	1721	2155	2429	2651	2833
7	5950.00	1116	1729	2165	2440	2663	2847
8	6000.00	1121	1737	2175	2451	2676	2860
9	6050.00	1126	1746	2185	2462	2688	2874
10	6100.00	1131	1754	2196	2473	2700	2887
11	6150.00	1136	1762	2206	2484	2712	2900
12	6200.00	1141	1770	2216	2495	2724	2914
13	6250.00	1145	1778	2227	2506	2737	2927
14	6300.00	1150	1786	2237	2517	2749	2941
15	6350.00	1155	1795	2247	2529	2761	2954
16	6400.00	1160	1803	2258	2540	2773	2967
17	6450.00	1165	1811	2268	2551	2785	2981
18	6500.00	1170	1819	2278	2562	2798	2994
19	6550.00	1175	1827	2288	2573	2810	3008
20	6600.00	1179	1835	2299	2584	2822	3021
21	6650.00	1184	1843	2309	2595	2834	3034
22	6700.00	1189	1850	2317	2604	2845	3045
23	6750.00	1193	1856	2325	2613	2854	3055
24	6800.00	1196	1862	2332	2621	2863	3064
25	6850.00	1200	1868	2340	2630	2872	3074
26	6900.00	1204	1873	2347	2639	2882	3084
27	6950.00	1208	1879	2355	2647	2891	3094
28	7000.00	1212	1885	2362	2656	2900	3103
29	7050.00	1216	1891	2370	2664	2909	3113
30	7100.00	1220	1897	2378	2673	2919	3123
31	7150.00	1224	1903	2385	2681	2928	3133

1	7200.00	1228	1909	2393	2690	2937	3142
2	7250.00	1232	1915	2400	2698	2946	3152
3	7300.00	1235	1921	2408	2707	2956	3162
4	7350.00	1239	1927	2415	2716	2965	3172
5	7400.00	1243	1933	2423	2724	2974	3181
6	7450.00	1247	1939	2430	2733	2983	3191
7	7500.00	1251	1945	2438	2741	2993	3201
8	7550.00	1255	1951	2446	2750	3002	3211
9	7600.00	1259	1957	2453	2758	3011	3220
10	7650.00	1263	1963	2461	2767	3020	3230
11	7700.00	1267	1969	2468	2775	3030	3240
12	7750.00	1271	1975	2476	2784	3039	3250
13	7800.00	1274	1981	2483	2792	3048	3259
14	7850.00	1278	1987	2491	2801	3057	3269
15	7900.00	1282	1992	2498	2810	3067	3279
16	7950.00	1286	1998	2506	2818	3076	3289
17	8000.00	1290	2004	2513	2827	3085	3298
18	8050.00	1294	2010	2521	2835	3094	3308
19	8100.00	1298	2016	2529	2844	3104	3318
20	8150.00	1302	2022	2536	2852	3113	3328
21	8200.00	1306	2028	2544	2861	3122	3337
22	8250.00	1310	2034	2551	2869	3131	3347
23	8300.00	1313	2040	2559	2878	3141	3357
24	8350.00	1317	2046	2566	2887	3150	3367
25	8400.00	1321	2052	2574	2895	3159	3376
26	8450.00	1325	2058	2581	2904	3168	3386
27	8500.00	1329	2064	2589	2912	3178	3396
28	8550.00	1333	2070	2597	2921	3187	3406
29	8600.00	1337	2076	2604	2929	3196	3415
30	8650.00	1341	2082	2612	2938	3205	3425
31	8700.00	1345	2088	2619	2946	3215	3435

1	8750.00	1349	2094	2627	2955	3224	3445
2	8800.00	1352	2100	2634	2963	3233	3454
3	8850.00	1356	2106	2642	2972	3242	3464
4	8900.00	1360	2111	2649	2981	3252	3474
5	8950.00	1364	2117	2657	2989	3261	3484
6	9000.00	1368	2123	2664	2998	3270	3493
7	9050.00	1372	2129	2672	3006	3279	3503
8	9100.00	1376	2135	2680	3015	3289	3513
9	9150.00	1380	2141	2687	3023	3298	3523
10	9200.00	1384	2147	2695	3032	3307	3532
11	9250.00	1388	2153	2702	3040	3316	3542
12	9300.00	1391	2159	2710	3049	3326	3552
13	9350.00	1395	2165	2717	3058	3335	3562
14	9400.00	1399	2171	2725	3066	3344	3571
15	9450.00	1403	2177	2732	3075	3353	3581
16	9500.00	1407	2183	2740	3083	3363	3591
17	9550.00	1411	2189	2748	3092	3372	3601
18	9600.00	1415	2195	2755	3100	3381	3610
19	9650.00	1419	2201	2763	3109	3390	3620
20	9700.00	1422	2206	2767	3115	3396	3628
21	9750.00	1425	2210	2772	3121	3402	3634
22	9800.00	1427	2213	2776	3126	3408	3641
23	9850.00	1430	2217	2781	3132	3414	3647
24	9900.00	1432	2221	2786	3137	3420	3653
25	9950.00	1435	2225	2791	3143	3426	3659
26	10000.00	1437	2228	2795	3148	3432	3666
27	For combined monthly available income less than the amount set						
28	out on the above schedules, the parent should be ordered to						
29	pay a child support amount, determined on a case-by-case						
30	basis, to establish the principle of payment and lay the basis						
31	for increased orders should the parent's income increase in						

1 the future. For combined monthly available income greater than
2 the amount set out in the above schedules, the obligation
3 shall be the minimum amount of support provided by the
4 guidelines schedule plus the following percentages multiplied
5 by the amount of income over \$10,000:

	Child or Children					
	One	Two	Three	Four	Five	Six
10	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

11 These percentages shall not be used to determine child support
12 beyond the amount necessary to satisfy the reasonable needs of
13 the child or children.

14 (7) Child care costs incurred on behalf of the
15 children due to employment, job search, or education
16 calculated to result in employment or to enhance income of
17 current employment of either parent shall be ~~reduced by 25~~
18 ~~percent and then shall be~~ added to the basic obligation. After
19 the ~~adjusted~~ child care costs are added to the basic
20 obligation, any moneys prepaid by the noncustodial parent for
21 child care costs for the child or children of this action
22 shall be deducted from that noncustodial parent's child
23 support obligation for that child or those children. Child
24 care costs shall not exceed the level required to provide
25 quality care from a licensed source for the children.

26 (8) Health insurance costs resulting from coverage
27 ordered pursuant to s. 61.13(1)(b), and any noncovered
28 medical, dental, and prescription medication expenses of the
29 child, shall be added to the basic obligation unless these
30 expenses have been ordered to be separately paid on a
31 percentage basis. After the health insurance costs are added

1 | to the basic obligation, any moneys prepaid by the
2 | noncustodial parent for health-related costs for the child or
3 | children of this action shall be deducted from that
4 | noncustodial parent's child support obligation for that child
5 | or those children.

6 | (9) Each parent's percentage share of the child
7 | support need shall be determined by dividing each parent's net
8 | monthly income by the combined net monthly income.

9 | (10) The total minimum child support need shall be
10 | determined by adding child care costs and health insurance
11 | costs to the minimum child support need. Each parent's actual
12 | dollar share of the total minimum child support need shall be
13 | determined by multiplying the minimum child support need by
14 | each parent's percentage share of the combined monthly net
15 | income.

16 | (11)(a) The court may adjust the total minimum child
17 | support award, or either or both parents' share of the total
18 | minimum child support award, based upon the following
19 | deviation factors ~~considerations~~:

20 | 1. Extraordinary medical, psychological, educational,
21 | or dental expenses.

22 | 2. Independent income of the child, not to include
23 | moneys received by a child from supplemental security income.

24 | 3. The payment of support for a parent which regularly
25 | has been paid and for which there is a demonstrated need.

26 | 4. Seasonal variations in one or both parents' incomes
27 | or expenses.

28 | 5. The age of the child, taking into account the
29 | greater needs of older children.

30 | 6. Special needs, such as costs that may be associated
31 | with the disability of a child, that have traditionally been

1 met within the family budget even though the fulfilling of
2 those needs will cause the support to exceed the presumptive
3 amount established by the ~~proposed~~ guidelines.

4 7. Total available assets of the obligee, obligor, and
5 the child.

6 8. The impact of the Internal Revenue Service
7 dependency exemption and waiver of that exemption and the
8 impact of any federal child care tax credit. The court may
9 order the primary residential parent to execute a waiver of
10 the Internal Revenue Service dependency exemption if the
11 noncustodial parent is current in support payments.

12 9. When application of the child support guidelines
13 requires a person to pay another person more than 55 percent
14 of his or her gross income for a child support obligation for
15 current support resulting from a single support order or when
16 the application of the child support guidelines leaves a party
17 with a net income that is lower than the current federal
18 poverty guidelines.

19 10. The particular parenting ~~shared parental~~
20 arrangement, such as where the child spends a significant
21 amount of time, but less than 20 ~~40~~ percent of the overnights,
22 with the noncustodial parent, thereby reducing the financial
23 expenditures incurred by the primary residential parent; or
24 the refusal of the noncustodial parent to become involved in
25 the activities of the child.

26 11. Any other adjustment which is needed to achieve an
27 equitable result which may include, but not be limited to, a
28 reasonable and necessary existing expense or debt. Such
29 expense or debt may include, but is not limited to, a
30 reasonable and necessary expense or debt which the parties
31 jointly incurred during the marriage.

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

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

10 2. In accordance with subsections (9) and (10),
11 calculate the amount of support obligation apportioned to the
12 custodial parent without including day care and health
13 insurance costs in the calculation and multiply the amount by
14 1.5.

15 3. Calculate the percentage of overnight stays the
16 child spends with each parent.

17 4. Multiply the noncustodial parent's support
18 obligation as calculated in subparagraph 1. by the percentage
19 of the custodial parent's overnight stays with the child as
20 calculated in subparagraph 3.

21 5. Multiply the custodial parent's support obligation
22 as calculated in subparagraph 2. by the percentage of the
23 noncustodial parent's overnight stays with the child as
24 calculated in subparagraph 3.

25 6. The difference between the amounts calculated in
26 subparagraphs 4. and 5. shall be the monetary transfer
27 necessary between the custodial and noncustodial parents for
28 the care of the child, subject to an adjustment for day care
29 and health insurance expenses.

30 7. Pursuant to subsections (7) and (8), calculate the
31 net amounts owed by the custodial and noncustodial parents for

1 | the expenses incurred for day care and health insurance
2 | coverage for the child. ~~Day care shall be calculated without~~
3 | ~~regard to the 25 percent reduction applied by subsection (7).~~

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

9 | However, if the amount to be paid is more than the child
10 | support that would be paid had the child support been
11 | calculated without adjustment for substantial parenting time,
12 | the court shall order child support to be paid without making
13 | the otherwise mandatory adjustment required by this paragraph.

14 | 9. The court may deviate from the child support amount
15 | calculated pursuant to subparagraph 8. based upon the
16 | deviation factors ~~considerations~~ set forth in paragraph (a),
17 | as well as the custodial parent's low income and ability to
18 | maintain the basic necessities of the home for the child, the
19 | likelihood that the noncustodial parent will actually exercise
20 | the visitation granted by the court, and whether all of the
21 | children are exercising the same parenting ~~shared parental~~
22 | arrangement.

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

27 | (c) A noncustodial parent's failure to regularly
28 | exercise court-ordered or agreed visitation not caused by the
29 | custodial parent which resulted in the adjustment of the
30 | amount of child support pursuant to subparagraph (a)10. or
31 | paragraph (b) shall be deemed a substantial change of

1 | circumstances for purposes of modifying the child support
2 | award. A modification pursuant to this paragraph shall be
3 | retroactive to the date the noncustodial parent first failed
4 | to regularly exercise court-ordered or agreed visitation.

5 | (d) A split parenting arrangement exists when there is
6 | more than one child in common and each parent has the majority
7 | of the overnight timesharing for one or more of the children.
8 | In cases involving split parenting arrangements, the court
9 | shall calculate and order child support as follows:

10 | 1. The court shall make two separate child support
11 | calculations, one for each child or group of children residing
12 | for a majority of the overnights with each parent.

13 | 2. The obligations arising from each initial child
14 | support calculation shall be offset. The lower support
15 | obligation shall be subtracted from the higher support
16 | obligation to determine the split parenting child support
17 | obligation.

18 | 3. The parent owing the greater amount of child
19 | support in subparagraph 1. shall pay the split parenting child
20 | support obligation to the other parent.

21 | (12)(a) A parent with a support obligation may have
22 | other children living with him or her who were born or adopted
23 | after the support obligation arose. If such subsequent
24 | children exist, the court, when considering an upward
25 | modification of an existing award, may disregard the income
26 | from secondary employment obtained in addition to the parent's
27 | primary employment if the court determines that the employment
28 | was obtained primarily to support the subsequent children.

29 | (b) Except as provided in paragraph (a), the existence
30 | of such subsequent children should not as a general rule be
31 | considered by the court as a basis for disregarding the amount

1 provided in the guidelines schedule. The parent with a support
2 obligation for subsequent children may raise the existence of
3 such subsequent children as a justification for deviation from
4 the guidelines schedule. However, if the existence of such
5 subsequent children is raised, the income of the other parent
6 of the subsequent children shall be considered by the court in
7 determining whether or not there is a basis for deviation from
8 the guideline amount.

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

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

16 (14) Every petition for child support or for
17 modification of child support shall be accompanied by an
18 affidavit which shows the party's income, allowable
19 deductions, and net income computed in accordance with this
20 section. The affidavit shall be served at the same time that
21 the petition is served. The respondent, whether or not a
22 stipulation is entered, shall make an affidavit which shows
23 the party's income, allowable deductions, and net income
24 computed in accordance with this section. The respondent shall
25 include his or her affidavit with the answer to the petition
26 or as soon thereafter as is practicable, but in any case at
27 least 72 hours prior to any hearing on the finances of either
28 party.

29 (15) For purposes of establishing an obligation for
30 support in accordance with this section, if a person who is
31 receiving public assistance is found to be noncooperative as

1 defined in s. 409.2572, the IV-D agency is authorized to
2 submit to the court an affidavit attesting to the income of
3 the custodial parent based upon information available to the
4 IV-D agency.

5 (16) The Legislature shall review the guidelines
6 established in this section at least every 4 years beginning
7 in 1997.

8 (17) In an initial determination of child support,
9 whether in a paternity action, dissolution of marriage action,
10 or petition for support during the marriage, the court has
11 discretion to award child support retroactive to the date when
12 the parents did not reside together in the same household with
13 the child, not to exceed a period of 24 months preceding the
14 filing of the petition, regardless of whether that date
15 precedes the filing of the petition. In determining the
16 retroactive award in such cases, the court shall consider the
17 following:

18 (a) The court shall apply the guidelines schedule in
19 effect at the time of the hearing subject to the obligor's
20 demonstration of his or her actual income, as defined by
21 subsection (2), during the retroactive period. Failure of the
22 obligor to so demonstrate shall result in the court using the
23 obligor's income at the time of the hearing in computing child
24 support for the retroactive period.

25 (b) All actual payments made by the noncustodial
26 parent to the custodial parent or the child or third parties
27 for the benefit of the child throughout the proposed
28 retroactive period.

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

31

1 Section 3. Paragraph (a) of subsection (5) of section
2 409.2563, Florida Statutes, is amended to read:

3 409.2563 Administrative establishment of child support
4 obligations.--

5 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

6 (a) After serving notice upon the noncustodial parent
7 in accordance with subsection (4), the department shall
8 calculate the noncustodial parent's child support obligation
9 under the child support guidelines as provided by s. 61.30,
10 based on any timely financial affidavits received and other
11 information available to the department. If either parent
12 fails to comply with the requirement to furnish a financial
13 affidavit, the department may proceed on the basis of
14 information available from any source, if such information is
15 sufficiently reliable and detailed to allow calculation of
16 guideline amounts under s. 61.30. If the custodial parent
17 receives public assistance and fails to submit a financial
18 affidavit, the department may submit a financial affidavit for
19 the custodial parent pursuant to s. 61.30(15). If there is a
20 lack of sufficient reliable information concerning a parent's
21 actual earnings for a current or past period, it shall be
22 presumed for the purpose of establishing a support obligation
23 that the parent had an earning capacity equal to the Florida
24 ~~federal~~ minimum wage on a full-time basis during the
25 applicable period, unless the parent shows that he or she is a
26 resident of another state, in which case the state minimum
27 wage applicable to the parent's state of residence shall apply
28 if it is greater than the Florida minimum wage. In the absence
29 of a state minimum wage or if the other state's minimum wage
30 is lower than the Florida minimum wage, the federal minimum
31 wage shall apply.

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

3 409.2564 Actions for support.--

4 (10) For the purposes of denial, revocation, or
5 limitation of an individual's United States passport,
6 consistent with 42 U.S.C. s. 652(k)(1), the Title IV-D agency
7 shall have procedures to certify to the Secretary of the
8 United States Department of Health and Human Services, in the
9 format and accompanied by such supporting documentation as the
10 secretary may require, a determination that an individual owes
11 arrearages of support in an amount exceeding ~~\$2,500~~\$5,000.

12 Said procedures shall provide that the individual be given
13 notice of the determination and of the consequence thereof and
14 that the individual shall be given an opportunity to contest
15 the accuracy of the determination.

16 Section 5. Section 409.25641, Florida Statutes, is
17 amended to read:

18 409.25641 Procedures for processing automated
19 administrative enforcement requests.--

20 (1) The ~~department~~ Title IV-D agency shall use
21 automated administrative enforcement, as defined in Title IV-D
22 of the Social Security Act, in response to a request from
23 another state to enforce a support order and shall promptly
24 report the results of enforcement action to the requesting
25 state.

26 (2) This request:

27 (a) May be transmitted from the other state by
28 electronic or other means. ~~+~~

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

1 (c) Shall constitute a certification by the requesting
2 state:

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

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

7 (3) If assistance is provided by the department ~~Title~~
8 ~~IV D agency~~ to another state as prescribed above, the
9 department may not ~~neither state shall~~ consider the case to be
10 transferred from the caseload of the other state to the
11 caseload of the department, but the department may establish a
12 corresponding case based on the other state's request for
13 assistance ~~Title IV D agency~~.

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

16 (a) The number of requests received;

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

20 (c) The amount of such collected support.

21 (5) The department shall have authority to adopt rules
22 to implement this section.

23 Section 6. The Office of Program Policy Analysis and
24 Government Accountability shall evaluate the effectiveness of
25 the system currently used for complying with the federal
26 requirement that states review their child support guidelines
27 at least once every 4 years. The evaluation shall include a
28 comparison of all available methodologies being utilized by
29 other states in conducting their reviews of their child
30 support guidelines and include recommendations for either
31 maintaining the current review process with the Legislature or

1 transferring the responsibility to another entity. A report
2 shall be submitted to the Governor, the President of the
3 Senate, and the Speaker of the House of Representatives by
4 January 31, 2008.

5 Section 7. This act shall take effect October 1, 2007.

6
7 *****

8 SENATE SUMMARY

9 Provides conditions for the imputation of income by the
10 court under certain circumstances. Provides for the
11 determination of net income. Provides the child support
12 guidelines schedule. Revises amount of child care costs
13 to be added to the basic child support obligation.
14 Revises the method for calculating each parent's
15 percentage share of the child support need and the method
16 of calculating the total minimum child support need.
17 Revises the factors to be considered by the court when
18 adjusting child support awards. Provides the calculation
19 of child support orders in cases of split parenting
20 arrangements. Revises a threshold for arrearages before
21 passport restrictions apply. Requires the Department of
22 Revenue to employ automated administrative enforcement of
23 support orders in interstate cases. Authorizes the
24 department to establish a corresponding case under
25 certain circumstances.
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