



408552

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RS	.	
4/1/2008	.	
	.	
	.	

1 The Committee on Children, Families, and Elder Affairs (Lynn)  
 2 recommended the following **amendment**:

3  
 4 **Senate Amendment (with title amendments)**

5 Delete line(s) 1261-1781

6 and insert:

7 Section 16. Section 61.30, Florida Statutes, is amended to read:

8 61.30 Child support guidelines; retroactive child  
 9 support.--

10 (1)(a) The child support guideline amount as determined by  
 11 this section presumptively establishes the amount the trier of  
 12 fact shall order as child support in an initial proceeding for  
 13 such support or in a proceeding for modification of an existing  
 14 order for such support, whether the proceeding arises under this  
 15 or another chapter. The trier of fact may order payment of child  
 16 support which varies, plus or minus 5 percent, from the guideline  
 17 amount, after considering all relevant factors, including the



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18 needs of the child or children, age, station in life, standard of  
19 living, and the financial status and ability of each parent. The  
20 trier of fact may order payment of child support in an amount  
21 which varies more than 5 percent from such guideline amount only  
22 upon a written finding explaining why ordering payment of such  
23 guideline amount would be unjust or inappropriate.

24 Notwithstanding the variance limitations of this section, the  
25 trier of fact shall order payment of child support which varies  
26 from the guideline amount as provided in paragraph (11) (b)  
27 whenever any of the children are required by court order or  
28 mediation agreement to spend a substantial amount of time with  
29 either parent ~~the primary and secondary residential parents~~. This  
30 requirement applies to any living arrangement, whether temporary  
31 or permanent.

32 (b) The guidelines may provide the basis for proving a  
33 substantial change in circumstances upon which a modification of  
34 an existing order may be granted. However, the difference between  
35 the existing monthly obligation and the amount provided for under  
36 the guidelines shall be at least 15 percent or \$50, whichever  
37 amount is greater, before the court may find that the guidelines  
38 provide a substantial change in circumstances.

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

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

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

- 50 1. Salary or wages.
- 51 2. Bonuses, commissions, allowances, overtime, tips, and  
52 other similar payments.
- 53 3. Business income from sources such as self-employment,  
54 partnership, close corporations, and independent contracts.  
55 "Business income" means gross receipts minus ordinary and  
56 necessary expenses required to produce income.
- 57 4. Disability benefits.
- 58 5. All workers' compensation benefits and settlements.
- 59 6. Unemployment compensation.
- 60 7. Pension, retirement, or annuity payments.
- 61 8. Social security benefits.
- 62 9. Spousal support received from a previous marriage or  
63 court ordered in the marriage before the court.
- 64 10. Interest and dividends.
- 65 11. Rental income, which is gross receipts minus ordinary  
66 and necessary expenses required to produce the income.
- 67 12. Income from royalties, trusts, or estates.
- 68 13. Reimbursed expenses or in kind payments to the extent  
69 that they reduce living expenses.
- 70 14. Gains derived from dealings in property, unless the  
71 gain is nonrecurring.

72 (b) Income on a monthly basis shall be imputed to an  
73 unemployed or underemployed parent when such employment or  
74 underemployment is found by the court to be voluntary on that  
75 parent's part, absent a finding of fact by the court of physical  
76 or mental incapacity or other circumstances over which the parent  
77 has no control. In the event of such voluntary unemployment or



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78 | underemployment, the employment potential and probable earnings  
79 | level of the parent shall be determined based upon his or her  
80 | recent work history, occupational qualifications, and prevailing  
81 | earnings level in the community as provided in this paragraph;  
82 | however, the court may refuse to impute income to a ~~primary~~  
83 | ~~residential~~ parent if the court finds it necessary for the parent  
84 | to stay home with the child who is the subject of a child support  
85 | calculation.

86 |       (c) Public assistance as defined in s. 409.2554 shall be  
87 | excluded from gross income.

88 |       (3) Net income is obtained by subtracting allowable  
89 | deductions from gross income. Allowable deductions shall include:

90 |       (a) Federal, state, and local income tax deductions,  
91 | adjusted for actual filing status and allowable dependents and  
92 | income tax liabilities.

93 |       (b) Federal insurance contributions or self-employment tax.

94 |       (c) Mandatory union dues.

95 |       (d) Mandatory retirement payments.

96 |       (e) Health insurance payments, excluding payments for  
97 | coverage of the minor child.

98 |       (f) Court-ordered support for other children which is  
99 | actually paid.

100 |       (g) Spousal support paid pursuant to a court order from a  
101 | previous marriage or the marriage before the court.

102 |       (4) Net income for each parent ~~the obligor and net income~~  
103 | ~~for the obligee~~ shall be computed by subtracting allowable  
104 | deductions from gross income.

105 |       (5) Net income for each parent ~~the obligor and net income~~  
106 | ~~for the obligee~~ shall be added together for a combined net  
107 | income.



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108 (6) The following guidelines schedule ~~schedules~~ shall be  
 109 applied to the combined net income to determine the minimum child  
 110 support need:

111 112	Combined Monthly <u>Net</u> <del>Available</del> Income	Child or Children					
		One	Two	Three	Four	Five	Six
113	650.00	74	75	75	76	77	78
114	700.00	119	120	121	123	124	125
115	750.00	164	166	167	169	171	173
116	800.00	190	211	213	216	218	220
117	850.00	202	257	259	262	265	268
118	900.00	213	302	305	309	312	315
119	950.00	224	347	351	355	359	363
120	1000.00	235	365	397	402	406	410
121	1050.00	246	382	443	448	453	458
122	1100.00	258	400	489	495	500	505
123	1150.00	269	417	522	541	547	553

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124	1200.00	280	435	544	588	594	600
125	1250.00	290	451	565	634	641	648
126	1300.00	300	467	584	659	688	695
127	1350.00	310	482	603	681	735	743
128	1400.00	320	498	623	702	765	790
129	1450.00	330	513	642	724	789	838
130	1500.00	340	529	662	746	813	869
131	1550.00	350	544	681	768	836	895
132	1600.00	360	560	701	790	860	920
133	1650.00	370	575	720	812	884	945
134	1700.00	380	591	740	833	907	971
135	1750.00	390	606	759	855	931	996
136	1800.00	400	622	779	877	955	1022
137	1850.00	410	638	798	900	979	1048
138	1900.00	421	654	818	923	1004	1074

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139	1950.00	431	670	839	946	1029	1101
140	2000.00	442	686	859	968	1054	1128
141	2050.00	452	702	879	991	1079	1154
142	2100.00	463	718	899	1014	1104	1181
143	2150.00	473	734	919	1037	1129	1207
144	2200.00	484	751	940	1060	1154	1234
145	2250.00	494	767	960	1082	1179	1261
146	2300.00	505	783	980	1105	1204	1287
147	2350.00	515	799	1000	1128	1229	1314
148	2400.00	526	815	1020	1151	1254	1340
149	2450.00	536	831	1041	1174	1279	1367
150	2500.00	547	847	1061	1196	1304	1394
151	2550.00	557	864	1081	1219	1329	1420
152	2600.00	568	880	1101	1242	1354	1447
153	2650.00	578	896	1121	1265	1379	1473

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154	2700.00	588	912	1141	1287	1403	1500
155	2750.00	597	927	1160	1308	1426	1524
156	2800.00	607	941	1178	1328	1448	1549
157	2850.00	616	956	1197	1349	1471	1573
158	2900.00	626	971	1215	1370	1494	1598
159	2950.00	635	986	1234	1391	1517	1622
160	3000.00	644	1001	1252	1412	1540	1647
161	3050.00	654	1016	1271	1433	1563	1671
162	3100.00	663	1031	1289	1453	1586	1695
163	3150.00	673	1045	1308	1474	1608	1720
164	3200.00	682	1060	1327	1495	1631	1744
165	3250.00	691	1075	1345	1516	1654	1769
166	3300.00	701	1090	1364	1537	1677	1793
167	3350.00	710	1105	1382	1558	1700	1818
168	3400.00	720	1120	1401	1579	1723	1842



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169	3450.00	729	1135	1419	1599	1745	1867
170	3500.00	738	1149	1438	1620	1768	1891
171	3550.00	748	1164	1456	1641	1791	1915
172	3600.00	757	1179	1475	1662	1814	1940
173	3650.00	767	1194	1493	1683	1837	1964
174	3700.00	776	1208	1503	1702	1857	1987
175	3750.00	784	1221	1520	1721	1878	2009
176	3800.00	793	1234	1536	1740	1899	2031
177	3850.00	802	1248	1553	1759	1920	2053
178	3900.00	811	1261	1570	1778	1940	2075
179	3950.00	819	1275	1587	1797	1961	2097
180	4000.00	828	1288	1603	1816	1982	2119
181	4050.00	837	1302	1620	1835	2002	2141
182	4100.00	846	1315	1637	1854	2023	2163
183	4150.00	854	1329	1654	1873	2044	2185

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184	4200.00	863	1342	1670	1892	2064	2207
185	4250.00	872	1355	1687	1911	2085	2229
186	4300.00	881	1369	1704	1930	2106	2251
187	4350.00	889	1382	1721	1949	2127	2273
188	4400.00	898	1396	1737	1968	2147	2295
189	4450.00	907	1409	1754	1987	2168	2317
190	4500.00	916	1423	1771	2006	2189	2339
191	4550.00	924	1436	1788	2024	2209	2361
192	4600.00	933	1450	1804	2043	2230	2384
193	4650.00	942	1463	1821	2062	2251	2406
194	4700.00	951	1477	1838	2081	2271	2428
195	4750.00	959	1490	1855	2100	2292	2450
196	4800.00	968	1503	1871	2119	2313	2472
197	4850.00	977	1517	1888	2138	2334	2494
198	4900.00	986	1530	1905	2157	2354	2516

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199	4950.00	993	1542	1927	2174	2372	2535
200	5000.00	1000	1551	1939	2188	2387	2551
201	5050.00	1006	1561	1952	2202	2402	2567
202	5100.00	1013	1571	1964	2215	2417	2583
203	5150.00	1019	1580	1976	2229	2432	2599
204	5200.00	1025	1590	1988	2243	2447	2615
205	5250.00	1032	1599	2000	2256	2462	2631
206	5300.00	1038	1609	2012	2270	2477	2647
207	5350.00	1045	1619	2024	2283	2492	2663
208	5400.00	1051	1628	2037	2297	2507	2679
209	5450.00	1057	1638	2049	2311	2522	2695
210	5500.00	1064	1647	2061	2324	2537	2711
211	5550.00	1070	1657	2073	2338	2552	2727
212	5600.00	1077	1667	2085	2352	2567	2743
213	5650.00	1083	1676	2097	2365	2582	2759

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214	5700.00	1089	1686	2109	2379	2597	2775
215	5750.00	1096	1695	2122	2393	2612	2791
216	5800.00	1102	1705	2134	2406	2627	2807
217	5850.00	1107	1713	2144	2418	2639	2820
218	5900.00	1111	1721	2155	2429	2651	2833
219	5950.00	1116	1729	2165	2440	2663	2847
220	6000.00	1121	1737	2175	2451	2676	2860
221	6050.00	1126	1746	2185	2462	2688	2874
222	6100.00	1131	1754	2196	2473	2700	2887
223	6150.00	1136	1762	2206	2484	2712	2900
224	6200.00	1141	1770	2216	2495	2724	2914
225	6250.00	1145	1778	2227	2506	2737	2927
226	6300.00	1150	1786	2237	2517	2749	2941
227	6350.00	1155	1795	2247	2529	2761	2954
228	6400.00	1160	1803	2258	2540	2773	2967

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229	6450.00	1165	1811	2268	2551	2785	2981
230	6500.00	1170	1819	2278	2562	2798	2994
231	6550.00	1175	1827	2288	2573	2810	3008
232	6600.00	1179	1835	2299	2584	2822	3021
233	6650.00	1184	1843	2309	2595	2834	3034
234	6700.00	1189	1850	2317	2604	2845	3045
235	6750.00	1193	1856	2325	2613	2854	3055
236	6800.00	1196	1862	2332	2621	2863	3064
237	6850.00	1200	1868	2340	2630	2872	3074
238	6900.00	1204	1873	2347	2639	2882	3084
239	6950.00	1208	1879	2355	2647	2891	3094
240	7000.00	1212	1885	2362	2656	2900	3103
241	7050.00	1216	1891	2370	2664	2909	3113
242	7100.00	1220	1897	2378	2673	2919	3123
243	7150.00	1224	1903	2385	2681	2928	3133

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244	7200.00	1228	1909	2393	2690	2937	3142
245	7250.00	1232	1915	2400	2698	2946	3152
246	7300.00	1235	1921	2408	2707	2956	3162
247	7350.00	1239	1927	2415	2716	2965	3172
248	7400.00	1243	1933	2423	2724	2974	3181
249	7450.00	1247	1939	2430	2733	2983	3191
250	7500.00	1251	1945	2438	2741	2993	3201
251	7550.00	1255	1951	2446	2750	3002	3211
252	7600.00	1259	1957	2453	2758	3011	3220
253	7650.00	1263	1963	2461	2767	3020	3230
254	7700.00	1267	1969	2468	2775	3030	3240
255	7750.00	1271	1975	2476	2784	3039	3250
256	7800.00	1274	1981	2483	2792	3048	3259
257	7850.00	1278	1987	2491	2801	3057	3269
258	7900.00	1282	1992	2498	2810	3067	3279

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259	7950.00	1286	1998	2506	2818	3076	3289
260	8000.00	1290	2004	2513	2827	3085	3298
261	8050.00	1294	2010	2521	2835	3094	3308
262	8100.00	1298	2016	2529	2844	3104	3318
263	8150.00	1302	2022	2536	2852	3113	3328
264	8200.00	1306	2028	2544	2861	3122	3337
265	8250.00	1310	2034	2551	2869	3131	3347
266	8300.00	1313	2040	2559	2878	3141	3357
267	8350.00	1317	2046	2566	2887	3150	3367
268	8400.00	1321	2052	2574	2895	3159	3376
269	8450.00	1325	2058	2581	2904	3168	3386
270	8500.00	1329	2064	2589	2912	3178	3396
271	8550.00	1333	2070	2597	2921	3187	3406
272	8600.00	1337	2076	2604	2929	3196	3415
273	8650.00	1341	2082	2612	2938	3205	3425

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274	8700.00	1345	2088	2619	2946	3215	3435
275	8750.00	1349	2094	2627	2955	3224	3445
276	8800.00	1352	2100	2634	2963	3233	3454
277	8850.00	1356	2106	2642	2972	3242	3464
278	8900.00	1360	2111	2649	2981	3252	3474
279	8950.00	1364	2117	2657	2989	3261	3484
280	9000.00	1368	2123	2664	2998	3270	3493
281	9050.00	1372	2129	2672	3006	3279	3503
282	9100.00	1376	2135	2680	3015	3289	3513
283	9150.00	1380	2141	2687	3023	3298	3523
284	9200.00	1384	2147	2695	3032	3307	3532
285	9250.00	1388	2153	2702	3040	3316	3542
286	9300.00	1391	2159	2710	3049	3326	3552
287	9350.00	1395	2165	2717	3058	3335	3562
288	9400.00	1399	2171	2725	3066	3344	3571



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289	9450.00	1403	2177	2732	3075	3353	3581
290	9500.00	1407	2183	2740	3083	3363	3591
291	9550.00	1411	2189	2748	3092	3372	3601
292	9600.00	1415	2195	2755	3100	3381	3610
293	9650.00	1419	2201	2763	3109	3390	3620
294	9700.00	1422	2206	2767	3115	3396	3628
295	9750.00	1425	2210	2772	3121	3402	3634
296	9800.00	1427	2213	2776	3126	3408	3641
297	9850.00	1430	2217	2781	3132	3414	3647
298	9900.00	1432	2221	2786	3137	3420	3653
299	9950.00	1435	2225	2791	3143	3426	3659
300	10000.00	1437	2228	2795	3148	3432	3666

301  
 302 For combined monthly ~~available net~~ income less than the amount  
 303 set out on the above guidelines schedule ~~schedules~~, the parent  
 304 should be ordered to pay a child support amount, determined on a  
 305 case-by-case basis, to establish the principle of payment and lay  
 306 the basis for increased orders should the parent's income



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307 increase in the future. For combined monthly ~~available net~~ income  
 308 greater than the amount set out in the above guidelines schedule  
 309 ~~schedules~~, the obligation shall be the minimum amount of support  
 310 provided by the guidelines schedule plus the following  
 311 percentages multiplied by the amount of income over \$10,000:  
 312

Child or Children

313	One	Two	Three	Four	Five	Six
314	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

315  
 316 (7) Child care costs incurred on behalf of the children due  
 317 to employment, job search, or education calculated to result in  
 318 employment or to enhance income of current employment of either  
 319 parent shall be reduced by 25 percent and then shall be added to  
 320 the basic obligation. After the adjusted child care costs are  
 321 added to the basic obligation, any moneys prepaid by a the  
 322 ~~noncustodial~~ parent for child care costs for the child or  
 323 children of this action shall be deducted from that ~~noncustodial~~  
 324 parent's child support obligation for that child or those  
 325 children. Child care costs shall not exceed the level required to  
 326 provide quality care from a licensed source for the children.

327 (8) Health insurance costs resulting from coverage ordered  
 328 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,  
 329 and prescription medication expenses of the child, shall be added  
 330 to the basic obligation unless these expenses have been ordered  
 331 to be separately paid on a percentage basis. After the health  
 332 insurance costs are added to the basic obligation, any moneys  
 333 prepaid by a the noncustodial parent for health-related costs for



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334 the child or children of this action shall be deducted from that  
335 ~~noncustodial~~ parent's child support obligation for that child or  
336 those children.

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

340 (10) Each parent's actual dollar share of the total minimum  
341 child support need shall be determined by multiplying the minimum  
342 child support need by each parent's percentage share of the  
343 combined monthly net income.

344 (11) (a) The court may adjust the total minimum child  
345 support award, or either or both parents' share of the total  
346 minimum child support award, based upon the following deviation  
347 factors considerations:

348 1. Extraordinary medical, psychological, educational, or  
349 dental expenses.

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

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

354 4. Seasonal variations in one or both parents' incomes or  
355 expenses.

356 5. The age of the child, taking into account the greater  
357 needs of older children.

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



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363 7. Total available assets of the obligee, obligor, and the  
364 child.

365 8. The impact of the Internal Revenue Service dependency  
366 exemption and waiver of that exemption. The court may order a ~~the~~  
367 ~~primary residential~~ parent to execute a waiver of the Internal  
368 Revenue Service dependency exemption if the ~~noncustodial~~ parent  
369 from whom support is being sought is current in support payments.

370 9. When application of the child support guidelines  
371 schedule requires a person to pay another person more than 55  
372 percent of his or her gross income for a child support obligation  
373 for current support resulting from a single support order.

374 10. The particular parenting plan ~~shared parental~~  
375 ~~arrangement~~, such as where the child spends a significant amount  
376 of time, but less than 40 percent of the overnights, with one ~~the~~  
377 ~~noncustodial~~ parent, thereby reducing the financial expenditures  
378 incurred by the other ~~primary residential~~ parent; or the refusal  
379 of a ~~the noncustodial~~ parent to become involved in the activities  
380 of the child.

381 11. Any other adjustment which is needed to achieve an  
382 equitable result which may include, but not be limited to, a  
383 reasonable and necessary existing expense or debt. Such expense  
384 or debt may include, but is not limited to, a reasonable and  
385 necessary expense or debt which the parties jointly incurred  
386 during the marriage.

387 (b) Whenever a particular parenting plan ~~shared parental~~  
388 ~~arrangement~~ provides that each child spend a substantial amount  
389 of time with each parent, the court shall adjust any award of  
390 child support, as follows:

391 1. In accordance with subsections (9) and (10), calculate  
392 the amount of support obligation apportioned to each ~~the~~



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393 ~~noncustodial~~ parent without including day care and health  
394 insurance costs in the calculation and multiply the amount by  
395 1.5.

396 2. In accordance with subsections (9) and (10), calculate  
397 the amount of support obligation apportioned to the ~~custodial~~  
398 parent seeking support without including day care and health  
399 insurance costs in the calculation and multiply the amount by  
400 1.5.

401 3. Calculate the percentage of overnight stays the child  
402 spends with each parent.

403 4. Multiply each ~~the noncustodial~~ parent's support  
404 obligation as calculated in subparagraph 1. by the percentage of  
405 the other ~~custodial~~ parent's overnight stays with the child as  
406 calculated in subparagraph 3.

407 5. Multiply the ~~custodial parent's~~ support obligation of  
408 the parent seeking support as calculated in subparagraph 2. by  
409 the percentage of the ~~noncustodial~~ other parent's overnight stays  
410 with the child as calculated in subparagraph 3.

411 6. The difference between the amounts calculated in  
412 subparagraphs 4. and 5. shall be the monetary transfer necessary  
413 between the ~~custodial and noncustodial~~ parents for the care of  
414 the child, subject to an adjustment for day care and health  
415 insurance expenses.

416 7. Pursuant to subsections (7) and (8), calculate the net  
417 amounts owed by each parent ~~the custodial and noncustodial~~  
418 ~~parents~~ for the expenses incurred for day care and health  
419 insurance coverage for the child. Day care shall be calculated  
420 without regard to the 25-percent reduction applied by subsection  
421 (7).



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422 8. Adjust the support obligation owed by each ~~the custodial~~  
423 ~~or noncustodial~~ parent pursuant to subparagraph 6. by crediting  
424 or debiting the amount calculated in subparagraph 7. This amount  
425 represents the child support which must be exchanged between the  
426 ~~custodial and noncustodial~~ parents.

427 9. The court may deviate from the child support amount  
428 calculated pursuant to subparagraph 8. based upon the deviation  
429 factors ~~considerations set forth~~ in paragraph (a), as well as  
430 either ~~the custodial~~ parent's low income and ability to maintain  
431 the basic necessities of the home for the child, the likelihood  
432 that either ~~the noncustodial~~ parent will actually exercise the  
433 time-sharing schedule set forth in the parenting plan ~~visitation~~  
434 granted by the court, and whether all of the children are  
435 exercising the same time-sharing schedule ~~shared parental~~  
436 arrangement.

437 10. For purposes of adjusting any award of child support  
438 under this paragraph, "substantial amount of time" means that a  
439 ~~the noncustodial~~ parent exercises visitation at least 40 percent  
440 of the overnights of the year.

441 (c) A ~~noncustodial~~ parent's failure to regularly exercise  
442 court-ordered or agreed time-sharing schedule ~~visitation~~ not  
443 caused by the other ~~custodial~~ parent which resulted in the  
444 adjustment of the amount of child support pursuant to  
445 subparagraph (a)10. or paragraph (b) shall be deemed a  
446 substantial change of circumstances for purposes of modifying the  
447 child support award. A modification pursuant to this paragraph  
448 shall be retroactive to the date the noncustodial parent first  
449 failed to regularly exercise court-ordered or agreed time-sharing  
450 schedule ~~visitation~~.



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451           (12) (a) A parent with a support obligation may have other  
452 children living with him or her who were born or adopted after  
453 the support obligation arose. If such subsequent children exist,  
454 the court, when considering an upward modification of an existing  
455 award, may disregard the income from secondary employment  
456 obtained in addition to the parent's primary employment if the  
457 court determines that the employment was obtained primarily to  
458 support the subsequent children.

459           (b) Except as provided in paragraph (a), the existence of  
460 such subsequent children should not as a general rule be  
461 considered by the court as a basis for disregarding the amount  
462 provided in the guidelines schedule. The parent with a support  
463 obligation for subsequent children may raise the existence of  
464 such subsequent children as a justification for deviation from  
465 the guidelines schedule. However, if the existence of such  
466 subsequent children is raised, the income of the other parent of  
467 the subsequent children shall be considered by the court in  
468 determining whether or not there is a basis for deviation from  
469 the guideline amount.

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

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

477           (14) Every petition for child support or for modification  
478 of child support shall be accompanied by an affidavit which shows  
479 the party's income, allowable deductions, and net income computed  
480 in accordance with this section. The affidavit shall be served at



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481 the same time that the petition is served. The respondent,  
482 whether or not a stipulation is entered, shall make an affidavit  
483 which shows the party's income, allowable deductions, and net  
484 income computed in accordance with this section. The respondent  
485 shall include his or her affidavit with the answer to the  
486 petition or as soon thereafter as is practicable, but in any case  
487 at least 72 hours prior to any hearing on the finances of either  
488 party.

489 (15) For purposes of establishing an obligation for support  
490 in accordance with this section, if a person who is receiving  
491 public assistance is found to be noncooperative as defined in s.  
492 409.2572, the IV-D agency is authorized to submit to the court an  
493 affidavit attesting to the income of that ~~the custodial~~ parent  
494 based upon information available to the IV-D agency.

495 (16) The Legislature shall review the guidelines schedule  
496 established in this section at least every 4 years beginning in  
497 1997.

498 (17) In an initial determination of child support, whether  
499 in a paternity action, dissolution of marriage action, or  
500 petition for support during the marriage, the court has  
501 discretion to award child support retroactive to the date when  
502 the parents did not reside together in the same household with  
503 the child, not to exceed a period of 24 months preceding the  
504 filing of the petition, regardless of whether that date precedes  
505 the filing of the petition. In determining the retroactive award  
506 in such cases, the court shall consider the following:

507 (a) The court shall apply the guidelines schedule in effect  
508 at the time of the hearing subject to the obligor's demonstration  
509 of his or her actual income, as defined by subsection (2), during  
510 the retroactive period. Failure of the obligor to so demonstrate





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511 shall result in the court using the obligor's income at the time  
512 of the hearing in computing child support for the retroactive  
513 period.

514 (b) All actual payments made by a the noncustodial parent  
515 to the other custodial parent or the child or third parties for  
516 the benefit of the child throughout the proposed retroactive  
517 period.

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

520

521

522

523 ===== T I T L E A M E N D M E N T =====

524 And the title is amended as follows:

525 Delete line(s) 29-35

526

527 and insert: terminology; amending s. 61.30, F.S.;  
528 conforming provisions to changes in terminology; amending  
529 ss. 61.401, 61.45, 409.2554, and 409.2558,