



613968

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2009	.	
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The Committee on Children, Families, and Elder Affairs (Hill) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (10) of section 61.075, Florida Statutes, is amended to read:

61.075 Equitable distribution of marital assets and liabilities.—

(10) To do equity between the parties, the court may, in lieu of or to supplement, facilitate, or effectuate the



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12 equitable division of marital assets and liabilities, order a  
13 monetary payment in a lump sum or in installments paid over a  
14 fixed period of time. If deferred payment is ordered, the court  
15 shall require security and a reasonable rate of interest, or  
16 otherwise recognize the time value of money, in any such  
17 deferred distribution scheme, absent good cause. The court shall  
18 make written findings of fact relating to any deferred payment,  
19 security or lack thereof, and interest or lack thereof. Nothing  
20 in this section shall preclude application of any provision of  
21 chapter 55 to any subsequent default.

22 Section 2. Paragraph (a) of subsection (1) of section  
23 61.13, Florida Statutes, is amended to read:

24 61.13 Support of children; parenting and time-sharing;  
25 powers of court.—

26 (1) (a) In a proceeding under this chapter, the court may at  
27 any time order either or both parents who owe a duty of support  
28 to a child to pay support to the other parent or, in the case of  
29 both parents, to the person with custody in accordance with the  
30 child support guidelines schedule in s. 61.30.

31 1. All child support orders and income deduction orders  
32 entered on or after October 1, 2009, shall provide for the  
33 following:

34 a. Termination of child support upon a child's 18th  
35 birthday, unless the court finds or has previously found that s.  
36 743.07(2) applies or unless otherwise agreed to by the parties.

37 b. A schedule, based upon the record existing at the time  
38 of the order, stating the amount of the monthly child support  
39 obligation for all the minor children at the time of the order  
40 and the amount of child support that will be owed for the



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41 remaining children for whom child support will continue when any  
42 child is no longer entitled to receive child support under this  
43 subparagraph.

44 c. The month and year that the reduction or termination of  
45 child support becomes effective.

46 2. Notwithstanding subparagraph 1., the court initially  
47 entering an order requiring one or both parents to make child  
48 support payments has continuing jurisdiction after the entry of  
49 the initial order to modify the amount and terms and conditions  
50 of the child support payments when the modification is found  
51 necessary by the court in the best interests of the child, when  
52 the child reaches majority, when there is a substantial change  
53 in the circumstances of the parties, when s. 743.07(2) applies,  
54 or when a child is emancipated, marries, joins the armed  
55 services, or dies. The court initially entering a child support  
56 order has continuing jurisdiction to require the obligee to  
57 report to the court on terms prescribed by the court regarding  
58 the disposition of the child support payments.

59 Section 3. Paragraph (d) of subsection (6) of section  
60 61.14, Florida Statutes, is amended, and subsection (12) is  
61 added to that section, to read:

62 61.14 Enforcement and modification of support, maintenance,  
63 or alimony agreements or orders.—

64 (6)

65 (d) The court shall hear the obligor's motion to contest  
66 the impending judgment within 15 days after the date of filing  
67 of the motion. Upon the court's denial of the obligor's motion,  
68 the amount of the delinquency and all other amounts that become  
69 due, together with costs and a service charge of up to \$25,



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70 become a final judgment by operation of law against the obligor.  
71 The depository shall charge interest at the rate established in  
72 s. 55.03 on all judgments for support. Payments on judgments  
73 shall be applied first to the current child support due, then to  
74 any delinquent principal, and then to interest on the support  
75 judgment. Payments on alimony or spousal support judgments shall  
76 be applied first to the current alimony or spousal support due,  
77 then to any delinquent principal, and then to interest on the  
78 alimony or spousal support judgment.

79 (12) Interest on child support and alimony or spousal  
80 support judgments shall be enforceable through all of the  
81 methods available to enforce the underlying support order,  
82 including contempt. Interest shall not accrue on postjudgment  
83 interest.

84 Section 4. Paragraph (a) of subsection (1), paragraph (b)  
85 of subsection (2), paragraph (a) of subsection (3), and  
86 subsections (6), (7), (10), and (11) of section 61.30, Florida  
87 Statutes, are amended, and subsection (18) is added to that  
88 section, to read:

89 61.30 Child support guidelines; retroactive child support.—

90 (1)(a) The child support guideline amount as determined by  
91 this section presumptively establishes the amount the trier of  
92 fact shall order as child support in an initial proceeding for  
93 such support or in a proceeding for modification of an existing  
94 order for such support, whether the proceeding arises under this  
95 or another chapter. The trier of fact may order payment of child  
96 support which varies, plus or minus 5 percent, from the  
97 guideline amount, after considering all relevant factors,  
98 including the needs of the child or children, age, station in



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99 life, standard of living, and the financial status and ability  
100 of each parent. The trier of fact may order payment of child  
101 support in an amount which varies more than 5 percent from such  
102 guideline amount only upon a written finding explaining why  
103 ordering payment of such guideline amount would be unjust or  
104 inappropriate. Notwithstanding the variance limitations of this  
105 section, the trier of fact shall order payment of child support  
106 which varies from the guideline amount as provided in paragraph  
107 (11) (b) whenever any of the children are required by court order  
108 ~~or mediation agreement~~ to spend a substantial amount of time  
109 with either parent as defined by subparagraph (11) (b) 8. This  
110 requirement applies to any living arrangement, whether temporary  
111 or permanent.

112 (2) Income shall be determined on a monthly basis for each  
113 parent as follows:

114  
115 (b)1. Income on a monthly basis shall be imputed to an  
116 unemployed or underemployed parent when such employment or  
117 underemployment is found by the court to be voluntary on that  
118 parent's part, absent a finding of fact by the court of physical  
119 or mental incapacity or other circumstances over which the  
120 parent has no control. In the event of such voluntary  
121 unemployment or underemployment, the employment potential and  
122 probable earnings level of the parent shall be determined based  
123 upon his or her recent work history, occupational  
124 qualifications, and prevailing earnings level in the community  
125 as provided in this paragraph; however, the court may refuse to  
126 impute income to a parent if the court finds it necessary for  
127 the parent to stay home with the child who is the subject of a



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128 child support calculation.

129 2. In order for the court to impute income beyond minimum  
130 wage under subparagraph 1., the court must make specific  
131 findings of fact consistent with the requirements of this  
132 subparagraph. The party seeking to impute income has the burden  
133 to present competent, substantial evidence showing the  
134 following:

135 a. That the unemployment or underemployment is voluntary.

136 b. The amount and source of the imputed income, through  
137 evidence of income from available employment for which the party  
138 is suitably qualified by education, experience, current  
139 licensure, or geographic location, with due consideration being  
140 given to the parties' time-sharing schedule and their historical  
141 exercise of the time-sharing provided in the parenting plan or  
142 relevant order.

143 3. There shall be a rebuttable presumption entitling the  
144 court to impute Florida minimum wage on a full-time basis to a  
145 parent, absent a finding by the court that:

146 a. The parent has a physical or mental incapacity that  
147 renders the parent unemployable or underemployed;

148 b. The parent needs to stay home to care for a child who is  
149 the subject of the child support calculation, thereby preventing  
150 the parent's employment or rendering the parent underemployed;  
151 or

152 c. There are other circumstances over which the parent has  
153 no control, except for penal incarceration, that prevent the  
154 parent from earning an income.

155  
156 If evidence is produced that demonstrates that the parent is a



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157 resident of another state, that state's minimum wage law shall  
158 apply. In the absence of a state minimum wage, the federal  
159 minimum wage as determined by the United States Department of  
160 Labor shall apply.

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

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

166 b. Income at a level that a party has never earned in the  
167 past, unless recently degreed, licensed, certified, relicensed,  
168 or recertified and thus qualified for, subject to geographic  
169 location, with due consideration of the parties' existing time-  
170 sharing schedule and their historical exercise of the time-  
171 sharing provided in the parenting plan or relevant order.

172 (3) Net income is obtained by subtracting allowable  
173 deductions from gross income. Allowable deductions shall  
174 include:

175 (a) Federal, state, and local income tax, which shall be  
176 calculated using gross income deductions, adjusted for actual  
177 filing status, personal and dependency exemptions, applicable  
178 deductions, earned income credits, child and dependent care  
179 credits, and other allowable tax credits and allowable  
180 dependents and income tax liabilities.

181 (6) The following guidelines schedule shall be applied to  
182 the combined net income to determine the minimum child support  
183 need:  
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	Combined Monthly Net Income	One	Two	Three	Four	Five	Child or Children Six
185							
186							
187							
188	<del>650.00</del>	74	75	75	76	77	78
189	<del>700.00</del>	119	120	121	123	124	125
190	<del>750.00</del>	164	166	167	169	171	173
191	800.00	190	211	213	216	218	220
192	850.00	202	257	259	262	265	268
193	900.00	213	302	305	309	312	315
194	950.00	224	347	351	355	359	363
195	1000.00	235	365	397	402	406	410
196	1050.00	246	382	443	448	453	458
197	1100.00	258	400	489	495	500	505
	1150.00	269	417	522	541	547	553





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198	1200.00	280	435	544	588	594	600
199	1250.00	290	451	565	634	641	648
200	1300.00	300	467	584	659	688	695
201	1350.00	310	482	603	681	735	743
202	1400.00	320	498	623	702	765	790
203	1450.00	330	513	642	724	789	838
204	1500.00	340	529	662	746	813	869
205	1550.00	350	544	681	768	836	895
206	1600.00	360	560	701	790	860	920
207	1650.00	370	575	720	812	884	945
208	1700.00	380	591	740	833	907	971
209	1750.00	390	606	759	855	931	996
210	1800.00	400	622	779	877	955	1022
211	1850.00	410	638	798	900	979	1048
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213	1900.00	421	654	818	923	1004	1074
214	1950.00	431	670	839	946	1029	1101
215	2000.00	442	686	859	968	1054	1128
216	2050.00	452	702	879	991	1079	1154
217	2100.00	463	718	899	1014	1104	1181
218	2150.00	473	734	919	1037	1129	1207
219	2200.00	484	751	940	1060	1154	1234
220	2250.00	494	767	960	1082	1179	1261
221	2300.00	505	783	980	1105	1204	1287
222	2350.00	515	799	1000	1128	1229	1314
223	2400.00	526	815	1020	1151	1254	1340
224	2450.00	536	831	1041	1174	1279	1367
225	2500.00	547	847	1061	1196	1304	1394
226	2550.00	557	864	1081	1219	1329	1420
	2600.00	568	880	1101	1242	1354	1447



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227	2650.00	578	896	1121	1265	1379	1473
228	2700.00	588	912	1141	1287	1403	1500
229	2750.00	597	927	1160	1308	1426	1524
230	2800.00	607	941	1178	1328	1448	1549
231	2850.00	616	956	1197	1349	1471	1573
232	2900.00	626	971	1215	1370	1494	1598
233	2950.00	635	986	1234	1391	1517	1622
234	3000.00	644	1001	1252	1412	1540	1647
235	3050.00	654	1016	1271	1433	1563	1671
236	3100.00	663	1031	1289	1453	1586	1695
237	3150.00	673	1045	1308	1474	1608	1720
238	3200.00	682	1060	1327	1495	1631	1744
239	3250.00	691	1075	1345	1516	1654	1769
240	3300.00	701	1090	1364	1537	1677	1793
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242	3350.00	710	1105	1382	1558	1700	1818
243	3400.00	720	1120	1401	1579	1723	1842
244	3450.00	729	1135	1419	1599	1745	1867
245	3500.00	738	1149	1438	1620	1768	1891
246	3550.00	748	1164	1456	1641	1791	1915
247	3600.00	757	1179	1475	1662	1814	1940
248	3650.00	767	1194	1493	1683	1837	1964
249	3700.00	776	1208	1503	1702	1857	1987
250	3750.00	784	1221	1520	1721	1878	2009
251	3800.00	793	1234	1536	1740	1899	2031
252	3850.00	802	1248	1553	1759	1920	2053
253	3900.00	811	1261	1570	1778	1940	2075
254	3950.00	819	1275	1587	1797	1961	2097
255	4000.00	828	1288	1603	1816	1982	2119
	4050.00	837	1302	1620	1835	2002	2141



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256	4100.00	846	1315	1637	1854	2023	2163
257	4150.00	854	1329	1654	1873	2044	2185
258	4200.00	863	1342	1670	1892	2064	2207
259	4250.00	872	1355	1687	1911	2085	2229
260	4300.00	881	1369	1704	1930	2106	2251
261	4350.00	889	1382	1721	1949	2127	2273
262	4400.00	898	1396	1737	1968	2147	2295
263	4450.00	907	1409	1754	1987	2168	2317
264	4500.00	916	1423	1771	2006	2189	2339
265	4550.00	924	1436	1788	2024	2209	2361
266	4600.00	933	1450	1804	2043	2230	2384
267	4650.00	942	1463	1821	2062	2251	2406
268	4700.00	951	1477	1838	2081	2271	2428
269	4750.00	959	1490	1855	2100	2292	2450
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271	4800.00	968	1503	1871	2119	2313	2472
272	4850.00	977	1517	1888	2138	2334	2494
273	4900.00	986	1530	1905	2157	2354	2516
274	4950.00	993	1542	1927	2174	2372	2535
275	5000.00	1000	1551	1939	2188	2387	2551
276	5050.00	1006	1561	1952	2202	2402	2567
277	5100.00	1013	1571	1964	2215	2417	2583
278	5150.00	1019	1580	1976	2229	2432	2599
279	5200.00	1025	1590	1988	2243	2447	2615
280	5250.00	1032	1599	2000	2256	2462	2631
281	5300.00	1038	1609	2012	2270	2477	2647
282	5350.00	1045	1619	2024	2283	2492	2663
283	5400.00	1051	1628	2037	2297	2507	2679
284	5450.00	1057	1638	2049	2311	2522	2695
	5500.00	1064	1647	2061	2324	2537	2711



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285	5550.00	1070	1657	2073	2338	2552	2727
286	5600.00	1077	1667	2085	2352	2567	2743
287	5650.00	1083	1676	2097	2365	2582	2759
288	5700.00	1089	1686	2109	2379	2597	2775
289	5750.00	1096	1695	2122	2393	2612	2791
290	5800.00	1102	1705	2134	2406	2627	2807
291	5850.00	1107	1713	2144	2418	2639	2820
292	5900.00	1111	1721	2155	2429	2651	2833
293	5950.00	1116	1729	2165	2440	2663	2847
294	6000.00	1121	1737	2175	2451	2676	2860
295	6050.00	1126	1746	2185	2462	2688	2874
296	6100.00	1131	1754	2196	2473	2700	2887
297	6150.00	1136	1762	2206	2484	2712	2900
298	6200.00	1141	1770	2216	2495	2724	2914
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300	6250.00	1145	1778	2227	2506	2737	2927
301	6300.00	1150	1786	2237	2517	2749	2941
302	6350.00	1155	1795	2247	2529	2761	2954
303	6400.00	1160	1803	2258	2540	2773	2967
304	6450.00	1165	1811	2268	2551	2785	2981
305	6500.00	1170	1819	2278	2562	2798	2994
306	6550.00	1175	1827	2288	2573	2810	3008
307	6600.00	1179	1835	2299	2584	2822	3021
308	6650.00	1184	1843	2309	2595	2834	3034
309	6700.00	1189	1850	2317	2604	2845	3045
310	6750.00	1193	1856	2325	2613	2854	3055
311	6800.00	1196	1862	2332	2621	2863	3064
312	6850.00	1200	1868	2340	2630	2872	3074
313	6900.00	1204	1873	2347	2639	2882	3084
	6950.00	1208	1879	2355	2647	2891	3094





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314	7000.00	1212	1885	2362	2656	2900	3103
315	7050.00	1216	1891	2370	2664	2909	3113
316	7100.00	1220	1897	2378	2673	2919	3123
317	7150.00	1224	1903	2385	2681	2928	3133
318	7200.00	1228	1909	2393	2690	2937	3142
319	7250.00	1232	1915	2400	2698	2946	3152
320	7300.00	1235	1921	2408	2707	2956	3162
321	7350.00	1239	1927	2415	2716	2965	3172
322	7400.00	1243	1933	2423	2724	2974	3181
323	7450.00	1247	1939	2430	2733	2983	3191
324	7500.00	1251	1945	2438	2741	2993	3201
325	7550.00	1255	1951	2446	2750	3002	3211
326	7600.00	1259	1957	2453	2758	3011	3220
327	7650.00	1263	1963	2461	2767	3020	3230
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329	7700.00	1267	1969	2468	2775	3030	3240
330	7750.00	1271	1975	2476	2784	3039	3250
331	7800.00	1274	1981	2483	2792	3048	3259
332	7850.00	1278	1987	2491	2801	3057	3269
333	7900.00	1282	1992	2498	2810	3067	3279
334	7950.00	1286	1998	2506	2818	3076	3289
335	8000.00	1290	2004	2513	2827	3085	3298
336	8050.00	1294	2010	2521	2835	3094	3308
337	8100.00	1298	2016	2529	2844	3104	3318
338	8150.00	1302	2022	2536	2852	3113	3328
339	8200.00	1306	2028	2544	2861	3122	3337
340	8250.00	1310	2034	2551	2869	3131	3347
341	8300.00	1313	2040	2559	2878	3141	3357
342	8350.00	1317	2046	2566	2887	3150	3367
	8400.00	1321	2052	2574	2895	3159	3376



343	8450.00	1325	2058	2581	2904	3168	3386
344	8500.00	1329	2064	2589	2912	3178	3396
345	8550.00	1333	2070	2597	2921	3187	3406
346	8600.00	1337	2076	2604	2929	3196	3415
347	8650.00	1341	2082	2612	2938	3205	3425
348	8700.00	1345	2088	2619	2946	3215	3435
349	8750.00	1349	2094	2627	2955	3224	3445
350	8800.00	1352	2100	2634	2963	3233	3454
351	8850.00	1356	2106	2642	2972	3242	3464
352	8900.00	1360	2111	2649	2981	3252	3474
353	8950.00	1364	2117	2657	2989	3261	3484
354	9000.00	1368	2123	2664	2998	3270	3493
355	9050.00	1372	2129	2672	3006	3279	3503
356	9100.00	1376	2135	2680	3015	3289	3513
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358	9150.00	1380	2141	2687	3023	3298	3523
359	9200.00	1384	2147	2695	3032	3307	3532
360	9250.00	1388	2153	2702	3040	3316	3542
361	9300.00	1391	2159	2710	3049	3326	3552
362	9350.00	1395	2165	2717	3058	3335	3562
363	9400.00	1399	2171	2725	3066	3344	3571
364	9450.00	1403	2177	2732	3075	3353	3581
365	9500.00	1407	2183	2740	3083	3363	3591
366	9550.00	1411	2189	2748	3092	3372	3601
367	9600.00	1415	2195	2755	3100	3381	3610
368	9650.00	1419	2201	2763	3109	3390	3620
369	9700.00	1422	2206	2767	3115	3396	3628
370	9750.00	1425	2210	2772	3121	3402	3634
371	9800.00	1427	2213	2776	3126	3408	3641
	9850.00	1430	2217	2781	3132	3414	3647



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372	9900.00	1432	2221	2786	3137	3420	3653
373	9950.00	1435	2225	2791	3143	3426	3659
374	10000.00	1437	2228	2795	3148	3432	3666

375  
376 For combined monthly net income less than the amount set out on  
377 the above guidelines schedule, the parent should be ordered to  
378 pay a child support amount, determined on a case-by-case basis,  
379 to establish the principle of payment and lay the basis for  
380 increased orders should the parent's income increase in the  
381 future. For combined monthly net income greater than the amount  
382 set out in the above guidelines schedule, the obligation shall  
383 be the minimum amount of support provided by the guidelines  
384 schedule plus the following percentages multiplied by the amount  
385 of income over \$10,000:

Child or Children

386	One	Two	Three	Four	Five	Six
387	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

388  
389 These percentages shall not be used to determine child support  
390 beyond the amount necessary to satisfy the reasonable needs of  
391 the child or children.

392 (7) Child care costs incurred on behalf of the children due  
393 to employment, job search, or education calculated to result in  
394 employment or to enhance income of current employment of either



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395 parent shall be ~~reduced by 25 percent and then shall be~~ added to  
396 the basic obligation. After the ~~adjusted~~ child care costs are  
397 added to the basic obligation, any moneys prepaid by a parent  
398 for child care costs for the child or children of this action  
399 shall be deducted from that parent's child support obligation  
400 for that child or those children. Child care costs shall not  
401 exceed the level required to provide quality care from a  
402 licensed source for the children.

403 (10) The total minimum child support need shall be  
404 determined by adding child care costs and health insurance costs  
405 to the minimum child support need. Each parent's actual dollar  
406 share of the total minimum child support need shall be  
407 determined by multiplying the minimum child support need by each  
408 parent's percentage share of the combined monthly net income.  
409 The resulting amount shall be paid by the parent having less  
410 than 20 percent of the overnight time-sharing to the parent  
411 having more than 80 percent of the overnight time-sharing.

412 (11) (a) The court may adjust the total minimum child  
413 support award, or either or both parents' share of the total  
414 minimum child support award, based upon the following deviation  
415 factors:

416 1. Extraordinary medical, psychological, educational, or  
417 dental expenses.

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

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

422 4. Seasonal variations in one or both parents' incomes or  
423 expenses.



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424           5. The age of the child, taking into account the greater  
425 needs of older children.

426           6. Special needs, such as costs that may be associated with  
427 the disability of a child, that have traditionally been met  
428 within the family budget even though the fulfilling of those  
429 needs will cause the support to exceed the presumptive amount  
430 established by the guidelines.

431           7. Total available assets of the obligee, obligor, and the  
432 child.

433           ~~8. The impact of the Internal Revenue Service dependency  
434 exemption and waiver of that exemption. The court may order a  
435 parent to execute a waiver of the Internal Revenue Service  
436 dependency exemption if the paying parent is current in support  
437 payments.~~

438           8.9. When application of the child support guidelines  
439 schedule requires a person to pay another person more than 55  
440 percent of his or her gross income for a child support  
441 obligation for current support resulting from a single support  
442 order or when the application of the child support guidelines  
443 leaves a party with a net income that is lower than the current  
444 federal poverty guidelines.

445           ~~9.10.~~ The particular parenting plan, such as where the  
446 child spends a significant amount of time, but less than 20 ~~40~~  
447 percent of the overnights, with one parent, thereby reducing the  
448 financial expenditures incurred by the other parent; or the  
449 refusal of a parent to become involved in the activities of the  
450 child.

451           ~~10.11.~~ Any other adjustment which is needed to achieve an  
452 equitable result which may include, but not be limited to, a



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453 reasonable and necessary existing expense or debt. Such expense  
454 or debt may include, but is not limited to, a reasonable and  
455 necessary expense or debt which the parties jointly incurred  
456 during the marriage.

457 (b) Whenever a particular parenting plan provides that each  
458 child spend a substantial amount of time with each parent, the  
459 court shall adjust any award of child support, as follows:

460 1. In accordance with subsections (9) and (10), calculate  
461 the amount of support obligation apportioned to each parent  
462 without including day care and health insurance costs in the  
463 calculation and multiply the amount by 1.5.

464 2. Calculate the percentage of overnight stays the child  
465 spends with each parent.

466 3. Multiply each parent's support obligation as calculated  
467 in subparagraph 1. by the percentage of the other parent's  
468 overnight stays with the child as calculated in subparagraph 2.

469 4. The difference between the amounts calculated in  
470 subparagraph 3. shall be the monetary transfer necessary between  
471 the parents for the care of the child, subject to an adjustment  
472 for day care and health insurance expenses.

473 5. Pursuant to subsections (7) and (8), calculate the net  
474 amounts owed by each parent for the expenses incurred for day  
475 care and health insurance coverage for the child. ~~Day care shall~~  
476 ~~be calculated without regard to the 25-percent reduction applied~~  
477 ~~by subsection (7).~~

478 6. Adjust the support obligation owed by each parent  
479 pursuant to subparagraph 4. by crediting or debiting the amount  
480 calculated in subparagraph 5. This amount represents the child  
481 support which must be exchanged between the parents.





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482           7. The court may deviate from the child support amount  
483 calculated pursuant to subparagraph 6. based upon the deviation  
484 factors in paragraph (a), as well as the obligee parent's low  
485 income and ability to maintain the basic necessities of the home  
486 for the child, the likelihood that either parent will actually  
487 exercise the time-sharing schedule set forth in the parenting  
488 plan granted by the court, and whether all of the children are  
489 exercising the same time-sharing schedule.

490           8. For purposes of adjusting any award of child support  
491 under this paragraph, "substantial amount of time" means that a  
492 parent exercises time-sharing ~~visitation~~ at least 20 ~~40~~ percent  
493 of the overnights of the year.

494           (c) A parent's failure to regularly exercise the court-  
495 ordered ~~or agreed~~ time-sharing schedule not caused by the other  
496 parent which resulted in the adjustment of the amount of child  
497 support pursuant to subparagraph (a) ~~9.10~~ or paragraph (b) shall  
498 be deemed a substantial change of circumstances for purposes of  
499 modifying the child support award. A modification pursuant to  
500 this paragraph shall be retroactive to the date the ~~noncustodial~~  
501 parent first failed to regularly exercise the court-ordered ~~or~~  
502 ~~agreed~~ time-sharing schedule.

503           (18) The court may, for good cause shown, order the parent  
504 otherwise entitled to the Internal Revenue Service dependency  
505 exemption for a child to execute a waiver of the dependency  
506 exemption.

507           Section 5. Paragraph (a) of subsection (5) of section  
508 409.2563, Florida Statutes, is amended to read:

509           409.2563 Administrative establishment of child support  
510 obligations.-



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511 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

512 (a) After serving notice upon a parent in accordance with  
513 subsection (4), the department shall calculate that parent's  
514 child support obligation under the child support guidelines  
515 schedule as provided by s. 61.30, based on any timely financial  
516 affidavits received and other information available to the  
517 department. If either parent fails to comply with the  
518 requirement to furnish a financial affidavit, the department may  
519 proceed on the basis of information available from any source,  
520 if such information is sufficiently reliable and detailed to  
521 allow calculation of guideline schedule amounts under s. 61.30.  
522 If a parent receives public assistance and fails to submit a  
523 financial affidavit, the department may submit a financial  
524 affidavit for that parent pursuant to s. 61.30(15). If there is  
525 a lack of sufficient reliable information concerning a parent's  
526 actual earnings for a current or past period, there shall be a  
527 rebuttable presumption ~~it shall be presumed~~ for the purpose of  
528 establishing a support obligation that the parent had an earning  
529 capacity equal to the Florida federal minimum wage on a full-  
530 time basis during the applicable period, unless evidence is  
531 presented that the parent is a resident of another state, in  
532 which case that state's minimum wage shall apply. In the absence  
533 of a state minimum wage, the federal minimum wage as determined  
534 by the United States Department of Labor shall apply.

535 Section 6. Section 742.08, Florida Statutes, is amended to  
536 read:

537 742.08 Default of support payments.—Upon default in payment  
538 of any moneys ordered by the court to be paid, the court may  
539 enter a judgment for the amount in default, plus interest,



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540 administrative costs, filing fees, and other expenses incurred  
541 by the clerk of the circuit court which shall be a lien upon all  
542 property of the defendant both real and personal. Interest on  
543 support judgments shall be enforceable through all of the  
544 methods available to enforce the underlying support order,  
545 including contempt. Interest shall not accrue on postjudgment  
546 interest. Costs and fees shall be assessed only after the court  
547 makes a determination of the nonprevailing party's ability to  
548 pay such costs and fees. In Title IV-D cases, any costs,  
549 including filing fees, recording fees, mediation costs, service  
550 of process fees, and other expenses incurred by the clerk of the  
551 circuit court, shall be assessed only against the nonprevailing  
552 obligor after the court makes a determination of the  
553 nonprevailing obligor's ability to pay such costs and fees. The  
554 Department of Revenue shall not be considered a party for  
555 purposes of this section; however, fees may be assessed against  
556 the department pursuant to s. 57.105(1). Willful failure to  
557 comply with an order of the court shall be deemed a contempt of  
558 the court entering the order and shall be punished as such. The  
559 court may require bond of the defendant for the faithful  
560 performance of his or her obligation under the order of the  
561 court in such amount and upon such conditions as the court shall  
562 direct.

563 Section 7. This act shall take effect October 1, 2009.

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

565 And the title is amended as follows:

566 Delete everything before the enacting clause  
567 and insert:



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569                   A bill to be entitled  
570           An act relating to spousal and child support; amending  
571           s. 61.075, F.S.; requiring specified findings if a  
572           deferred payment is ordered in an equitable  
573           distribution; providing for application of specified  
574           provisions; amending s. 61.13, F.S.; providing  
575           requirements for child support and income deduction  
576           orders relating to termination of child support;  
577           amending s. 61.14, F.S.; specifying how payments on  
578           alimony or spousal support judgments shall be applied;  
579           providing for enforcement of interest payments on  
580           child support and alimony or spousal support  
581           judgments; providing that interest not accrue on  
582           postjudgment interest; amending s. 61.30, F.S.;  
583           specifying a definition relating to payment of child  
584           support varying from the guideline amount whenever any  
585           of the children are required by court order to spend a  
586           substantial amount of time with either parent;  
587           requiring specified findings in order for a court to  
588           impute income beyond minimum wage; prohibiting use of  
589           certain factors in imputing income beyond minimum wage  
590           unless a court makes specified findings; revising  
591           provisions relating to income tax calculations used in  
592           determining net income; deleting certain net income  
593           amounts from the child support guidelines schedule;  
594           providing that certain percentages used for combined  
595           monthly net income greater than the amount set out in  
596           the guidelines schedule shall not be used to determine  
597           child support beyond the amount necessary to satisfy



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598 the reasonable needs of the child or children;  
599 eliminating a reduction in the child care cost added  
600 to the basic support obligation; providing for  
601 determination of the total minimum child support need;  
602 providing for payment of a parent's share of the  
603 minimum total child support need; deleting provisions  
604 relating to adjustment of a minimum child support  
605 award relating to the Internal Revenue Service  
606 dependency exemption; providing for adjustment of a  
607 party's minimum child support award when application  
608 of the child support guidelines leaves the party with  
609 a net income lower than the federal poverty  
610 guidelines; revising the percentage of overnight time-  
611 sharing that is considered significant for certain  
612 purposes; allowing a court to order a party to execute  
613 a waiver of the Internal Revenue Service dependency  
614 exemption for a child for good cause shown; amending  
615 s. 409.2563, F.S.; revising provisions relating to a  
616 presumption of minimum wage earning capacity for  
617 purposes of administrative support orders; amending s.  
618 742.08, F.S.; providing for enforcement of interest  
619 payments on support judgments; providing that interest  
620 shall not accrue on postjudgment interest; providing  
621 an effective date.