



912714

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2009	.	
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	.	
	.	

The Committee on Judiciary (Joyner) 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
equitable division of marital assets and liabilities, order a
monetary payment in a lump sum or in installments paid over a



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

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

23 61.13 Support of children; parenting and time-sharing;
24 powers of court.-

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

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

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

36 b. A schedule, based upon the record existing at the time
37 of the order, stating the amount of the monthly child support
38 obligation for all the minor children at the time of the order
39 and the amount of child support that will be owed for the
40 remaining children for whom child support will continue when any
41 child is no longer entitled to receive child support under this



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42 subparagraph.

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

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

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

61 61.14 Enforcement and modification of support, maintenance,
62 or alimony agreements or orders.—

63 (6)

64 (d) The court shall hear the obligor's motion to contest
65 the impending judgment within 15 days after the date of filing
66 of the motion. Upon the court's denial of the obligor's motion,
67 the amount of the delinquency and all other amounts that become
68 due, together with costs and a service charge of up to \$25,
69 become a final judgment by operation of law against the obligor.
70 The depository shall charge interest at the rate established in



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71 s. 55.03 on all judgments for support. Payments on judgments
72 shall be applied first to the current child support due, then to
73 any delinquent principal, and then to interest on the support
74 judgment. Payments on alimony or spousal support judgments shall
75 be applied first to the current alimony or spousal support due,
76 then to any delinquent principal, and then to interest on the
77 alimony or spousal support judgment.

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

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

88 61.30 Child support guidelines; retroactive child support.-

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



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

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

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

127 2. In order for the court to impute income beyond minimum
128 wage under subparagraph 1., the court must make specific



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129 findings of fact consistent with the requirements of this
130 subparagraph. The party seeking to impute income has the burden
131 to present competent, substantial evidence showing the
132 following:

133 a. That the unemployment or underemployment is voluntary.

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

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

144 a. The parent has a physical or mental incapacity that
145 renders the parent unemployable or underemployed;

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

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

153
154 If evidence is produced that demonstrates that the parent is a
155 resident of another state, that state's minimum wage law shall
156 apply. In the absence of a state minimum wage, the federal
157 minimum wage as determined by the United States Department of



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158 Labor shall apply.

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

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

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

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

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

179 (6) The following guidelines schedule shall be applied to
180 the combined net income to determine the minimum child support
181 need:

Combined
Monthly

182
Net Income Child or
Children



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	One	Two	Three	Four	Five	Six	
183							
184							
185	650.00	74	75	75	76	77	78
186	700.00	119	120	121	123	124	125
187	750.00	164	166	167	169	171	173
188	800.00	190	211	213	216	218	220
189	850.00	202	257	259	262	265	268
190	900.00	213	302	305	309	312	315
191	950.00	224	347	351	355	359	363
192	1000.00	235	365	397	402	406	410
193	1050.00	246	382	443	448	453	458
194	1100.00	258	400	489	495	500	505
195	1150.00	269	417	522	541	547	553
196	1200.00	280	435	544	588	594	600
197	1250.00	290	451	565	634	641	648



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198	1300.00	300	467	584	659	688	695
199	1350.00	310	482	603	681	735	743
200	1400.00	320	498	623	702	765	790
201	1450.00	330	513	642	724	789	838
202	1500.00	340	529	662	746	813	869
203	1550.00	350	544	681	768	836	895
204	1600.00	360	560	701	790	860	920
205	1650.00	370	575	720	812	884	945
206	1700.00	380	591	740	833	907	971
207	1750.00	390	606	759	855	931	996
208	1800.00	400	622	779	877	955	1022
209	1850.00	410	638	798	900	979	1048
210	1900.00	421	654	818	923	1004	1074
211	1950.00	431	670	839	946	1029	1101
	2000.00	442	686	859	968	1054	1128



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212	2050.00	452	702	879	991	1079	1154
213	2100.00	463	718	899	1014	1104	1181
214	2150.00	473	734	919	1037	1129	1207
215	2200.00	484	751	940	1060	1154	1234
216	2250.00	494	767	960	1082	1179	1261
217	2300.00	505	783	980	1105	1204	1287
218	2350.00	515	799	1000	1128	1229	1314
219	2400.00	526	815	1020	1151	1254	1340
220	2450.00	536	831	1041	1174	1279	1367
221	2500.00	547	847	1061	1196	1304	1394
222	2550.00	557	864	1081	1219	1329	1420
223	2600.00	568	880	1101	1242	1354	1447
224	2650.00	578	896	1121	1265	1379	1473
225	2700.00	588	912	1141	1287	1403	1500
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227	2750.00	597	927	1160	1308	1426	1524
228	2800.00	607	941	1178	1328	1448	1549
229	2850.00	616	956	1197	1349	1471	1573
230	2900.00	626	971	1215	1370	1494	1598
231	2950.00	635	986	1234	1391	1517	1622
232	3000.00	644	1001	1252	1412	1540	1647
233	3050.00	654	1016	1271	1433	1563	1671
234	3100.00	663	1031	1289	1453	1586	1695
235	3150.00	673	1045	1308	1474	1608	1720
236	3200.00	682	1060	1327	1495	1631	1744
237	3250.00	691	1075	1345	1516	1654	1769
238	3300.00	701	1090	1364	1537	1677	1793
239	3350.00	710	1105	1382	1558	1700	1818
240	3400.00	720	1120	1401	1579	1723	1842
	3450.00	729	1135	1419	1599	1745	1867



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241	3500.00	738	1149	1438	1620	1768	1891
242	3550.00	748	1164	1456	1641	1791	1915
243	3600.00	757	1179	1475	1662	1814	1940
244	3650.00	767	1194	1493	1683	1837	1964
245	3700.00	776	1208	1503	1702	1857	1987
246	3750.00	784	1221	1520	1721	1878	2009
247	3800.00	793	1234	1536	1740	1899	2031
248	3850.00	802	1248	1553	1759	1920	2053
249	3900.00	811	1261	1570	1778	1940	2075
250	3950.00	819	1275	1587	1797	1961	2097
251	4000.00	828	1288	1603	1816	1982	2119
252	4050.00	837	1302	1620	1835	2002	2141
253	4100.00	846	1315	1637	1854	2023	2163
254	4150.00	854	1329	1654	1873	2044	2185
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256	4200.00	863	1342	1670	1892	2064	2207
257	4250.00	872	1355	1687	1911	2085	2229
258	4300.00	881	1369	1704	1930	2106	2251
259	4350.00	889	1382	1721	1949	2127	2273
260	4400.00	898	1396	1737	1968	2147	2295
261	4450.00	907	1409	1754	1987	2168	2317
262	4500.00	916	1423	1771	2006	2189	2339
263	4550.00	924	1436	1788	2024	2209	2361
264	4600.00	933	1450	1804	2043	2230	2384
265	4650.00	942	1463	1821	2062	2251	2406
266	4700.00	951	1477	1838	2081	2271	2428
267	4750.00	959	1490	1855	2100	2292	2450
268	4800.00	968	1503	1871	2119	2313	2472
269	4850.00	977	1517	1888	2138	2334	2494
	4900.00	986	1530	1905	2157	2354	2516



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270	4950.00	993	1542	1927	2174	2372	2535
271	5000.00	1000	1551	1939	2188	2387	2551
272	5050.00	1006	1561	1952	2202	2402	2567
273	5100.00	1013	1571	1964	2215	2417	2583
274	5150.00	1019	1580	1976	2229	2432	2599
275	5200.00	1025	1590	1988	2243	2447	2615
276	5250.00	1032	1599	2000	2256	2462	2631
277	5300.00	1038	1609	2012	2270	2477	2647
278	5350.00	1045	1619	2024	2283	2492	2663
279	5400.00	1051	1628	2037	2297	2507	2679
280	5450.00	1057	1638	2049	2311	2522	2695
281	5500.00	1064	1647	2061	2324	2537	2711
282	5550.00	1070	1657	2073	2338	2552	2727
283	5600.00	1077	1667	2085	2352	2567	2743
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285	5650.00	1083	1676	2097	2365	2582	2759
286	5700.00	1089	1686	2109	2379	2597	2775
287	5750.00	1096	1695	2122	2393	2612	2791
288	5800.00	1102	1705	2134	2406	2627	2807
289	5850.00	1107	1713	2144	2418	2639	2820
290	5900.00	1111	1721	2155	2429	2651	2833
291	5950.00	1116	1729	2165	2440	2663	2847
292	6000.00	1121	1737	2175	2451	2676	2860
293	6050.00	1126	1746	2185	2462	2688	2874
294	6100.00	1131	1754	2196	2473	2700	2887
295	6150.00	1136	1762	2206	2484	2712	2900
296	6200.00	1141	1770	2216	2495	2724	2914
297	6250.00	1145	1778	2227	2506	2737	2927
298	6300.00	1150	1786	2237	2517	2749	2941
	6350.00	1155	1795	2247	2529	2761	2954



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299	6400.00	1160	1803	2258	2540	2773	2967
300	6450.00	1165	1811	2268	2551	2785	2981
301	6500.00	1170	1819	2278	2562	2798	2994
302	6550.00	1175	1827	2288	2573	2810	3008
303	6600.00	1179	1835	2299	2584	2822	3021
304	6650.00	1184	1843	2309	2595	2834	3034
305	6700.00	1189	1850	2317	2604	2845	3045
306	6750.00	1193	1856	2325	2613	2854	3055
307	6800.00	1196	1862	2332	2621	2863	3064
308	6850.00	1200	1868	2340	2630	2872	3074
309	6900.00	1204	1873	2347	2639	2882	3084
310	6950.00	1208	1879	2355	2647	2891	3094
311	7000.00	1212	1885	2362	2656	2900	3103
312	7050.00	1216	1891	2370	2664	2909	3113
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314	7100.00	1220	1897	2378	2673	2919	3123
315	7150.00	1224	1903	2385	2681	2928	3133
316	7200.00	1228	1909	2393	2690	2937	3142
317	7250.00	1232	1915	2400	2698	2946	3152
318	7300.00	1235	1921	2408	2707	2956	3162
319	7350.00	1239	1927	2415	2716	2965	3172
320	7400.00	1243	1933	2423	2724	2974	3181
321	7450.00	1247	1939	2430	2733	2983	3191
322	7500.00	1251	1945	2438	2741	2993	3201
323	7550.00	1255	1951	2446	2750	3002	3211
324	7600.00	1259	1957	2453	2758	3011	3220
325	7650.00	1263	1963	2461	2767	3020	3230
326	7700.00	1267	1969	2468	2775	3030	3240
327	7750.00	1271	1975	2476	2784	3039	3250
	7800.00	1274	1981	2483	2792	3048	3259



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328	7850.00	1278	1987	2491	2801	3057	3269
329	7900.00	1282	1992	2498	2810	3067	3279
330	7950.00	1286	1998	2506	2818	3076	3289
331	8000.00	1290	2004	2513	2827	3085	3298
332	8050.00	1294	2010	2521	2835	3094	3308
333	8100.00	1298	2016	2529	2844	3104	3318
334	8150.00	1302	2022	2536	2852	3113	3328
335	8200.00	1306	2028	2544	2861	3122	3337
336	8250.00	1310	2034	2551	2869	3131	3347
337	8300.00	1313	2040	2559	2878	3141	3357
338	8350.00	1317	2046	2566	2887	3150	3367
339	8400.00	1321	2052	2574	2895	3159	3376
340	8450.00	1325	2058	2581	2904	3168	3386
341	8500.00	1329	2064	2589	2912	3178	3396
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343	8550.00	1333	2070	2597	2921	3187	3406
344	8600.00	1337	2076	2604	2929	3196	3415
345	8650.00	1341	2082	2612	2938	3205	3425
346	8700.00	1345	2088	2619	2946	3215	3435
347	8750.00	1349	2094	2627	2955	3224	3445
348	8800.00	1352	2100	2634	2963	3233	3454
349	8850.00	1356	2106	2642	2972	3242	3464
350	8900.00	1360	2111	2649	2981	3252	3474
351	8950.00	1364	2117	2657	2989	3261	3484
352	9000.00	1368	2123	2664	2998	3270	3493
353	9050.00	1372	2129	2672	3006	3279	3503
354	9100.00	1376	2135	2680	3015	3289	3513
355	9150.00	1380	2141	2687	3023	3298	3523
356	9200.00	1384	2147	2695	3032	3307	3532
	9250.00	1388	2153	2702	3040	3316	3542



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357	9300.00	1391	2159	2710	3049	3326	3552
358	9350.00	1395	2165	2717	3058	3335	3562
359	9400.00	1399	2171	2725	3066	3344	3571
360	9450.00	1403	2177	2732	3075	3353	3581
361	9500.00	1407	2183	2740	3083	3363	3591
362	9550.00	1411	2189	2748	3092	3372	3601
363	9600.00	1415	2195	2755	3100	3381	3610
364	9650.00	1419	2201	2763	3109	3390	3620
365	9700.00	1422	2206	2767	3115	3396	3628
366	9750.00	1425	2210	2772	3121	3402	3634
367	9800.00	1427	2213	2776	3126	3408	3641
368	9850.00	1430	2217	2781	3132	3414	3647
369	9900.00	1432	2221	2786	3137	3420	3653
370	9950.00	1435	2225	2791	3143	3426	3659
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10000.00 1437 2228 2795 3148 3432 3666

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

Child or Children

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

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

(7) Child care costs incurred on behalf of the children due to employment, job search, or education calculated to result in employment or to enhance income of current employment of either parent shall be ~~reduced by 25 percent and then shall be added to~~



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

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

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

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

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

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

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

425 5. The age of the child, taking into account the greater



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426 needs of older children.

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

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

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

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

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

452 ~~10.11.~~ Any other adjustment which is needed to achieve an
453 equitable result which may include, but not be limited to, a
454 reasonable and necessary existing expense or debt. Such expense



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

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

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

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

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

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

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

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

483 7. The court may deviate from the child support amount



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

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

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

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

508 Section 5. Paragraph (a) of subsection (5) of section
509 409.2563, Florida Statutes, is amended to read:

510 409.2563 Administrative establishment of child support
511 obligations.-

512 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.-



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

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

538 742.08 Default of support payments.—Upon default in payment
539 of any moneys ordered by the court to be paid, the court may
540 enter a judgment for the amount in default, plus interest,
541 administrative costs, filing fees, and other expenses incurred



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

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

565
566 ===== T I T L E A M E N D M E N T =====
567 And the title is amended as follows:

568 Delete everything before the enacting clause
569 and insert:

570 A bill to be entitled



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



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