

1 A bill to be entitled
2 An act relating to spousal and child support; amending s.
3 61.13, F.S.; providing requirements for child support and
4 income deduction orders relating to termination of child
5 support; amending s. 61.14, F.S.; specifying how payments
6 on alimony or spousal support judgments shall be applied;
7 providing for enforcement of interest payments on child
8 support and alimony or spousal support judgments;
9 providing that interest not accrue on postjudgment
10 interest; amending s. 61.30, F.S.; specifying a definition
11 relating to payment of child support varying from the
12 guideline amount whenever any of the children are required
13 by court order to spend a substantial amount of time with
14 either parent; requiring specified findings in order for a
15 court to impute income beyond minimum wage; prohibiting
16 use of certain factors in imputing income beyond minimum
17 wage unless a court makes specified findings; revising
18 provisions relating to income tax calculations used in
19 determining net income; deleting certain net income
20 amounts from the child support guidelines schedule;
21 providing that certain percentages used for combined
22 monthly net income greater than the amount set out in the
23 guidelines schedule shall not be used to determine child
24 support beyond the amount necessary to satisfy the
25 reasonable needs of the child or children; eliminating a
26 reduction in the child care cost added to the basic
27 support obligation; providing for determination of the
28 total minimum child support need; providing for payment of

29 a parent's share of the minimum total child support need;
 30 deleting provisions relating to adjustment of a minimum
 31 child support award relating to the Internal Revenue
 32 Service dependency exemption; providing for adjustment of
 33 a party's minimum child support award when application of
 34 the child support guidelines leaves the party with a net
 35 income lower than the federal poverty guidelines; allowing
 36 a court to order a party to execute a waiver of the
 37 Internal Revenue Service dependency exemption for a child
 38 for good cause shown; amending s. 409.2563, F.S.; revising
 39 provisions relating to a presumption of minimum wage
 40 earning capacity for purposes of administrative support
 41 orders; amending s. 742.08, F.S.; providing for
 42 enforcement of interest payments on support judgments;
 43 providing that interest shall not accrue on postjudgment
 44 interest; providing an effective date.

45
 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. Paragraph (a) of subsection (1) of section
 49 61.13, Florida Statutes, is amended to read:

50 61.13 Support of children; parenting and time-sharing;
 51 powers of court.--

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

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57 1. All child support orders and income deduction orders
58 entered on or after October 1, 2009, shall provide for the
59 following:

60 a. Termination of child support upon a child's 18th
61 birthday, unless the court finds or has previously found that s.
62 743.07(2) applies or unless otherwise agreed to by the parties.

63 b. A schedule, based upon the record existing at the time
64 of the order, stating the amount of the monthly child support
65 obligation for all the minor children at the time of the order
66 and the amount of child support that will be owed for the
67 remaining children for whom child support will continue when any
68 child is no longer entitled to receive child support under this
69 subparagraph.

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

72 2. Notwithstanding subparagraph 1., the court initially
73 entering an order requiring one or both parents to make child
74 support payments has continuing jurisdiction after the entry of
75 the initial order to modify the amount and terms and conditions
76 of the child support payments when the modification is found
77 necessary by the court in the best interests of the child, when
78 the child reaches majority, when there is a substantial change
79 in the circumstances of the parties, when s. 743.07(2) applies,
80 or when a child is emancipated, marries, joins the armed
81 services, or dies. The court initially entering a child support
82 order has continuing jurisdiction to require the obligee to
83 report to the court on terms prescribed by the court regarding
84 the disposition of the child support payments.

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85 Section 2. Paragraph (d) of subsection (6) of section
86 61.14, Florida Statutes, is amended, and subsection (12) is
87 added to that section, to read:

88 61.14 Enforcement and modification of support,
89 maintenance, or alimony agreements or orders.--

90 (6)

91 (d) The court shall hear the obligor's motion to contest
92 the impending judgment within 15 days after the date of filing
93 of the motion. Upon the court's denial of the obligor's motion,
94 the amount of the delinquency and all other amounts that become
95 due, together with costs and a service charge of up to \$25,
96 become a final judgment by operation of law against the obligor.
97 The depository shall charge interest at the rate established in
98 s. 55.03 on all judgments for support. Payments on judgments
99 shall be applied first to the current child support due, then to
100 any delinquent principal, and then to interest on the support
101 judgment. Payments on alimony or spousal support judgments shall
102 be applied first to the current alimony or spousal support due,
103 then to any delinquent principal, and then to interest on the
104 alimony or spousal support judgment.

105 (12) Interest on child support and alimony or spousal
106 support judgments shall be enforceable through all of the
107 methods available to enforce the underlying support order,
108 including contempt. Interest shall not accrue on postjudgment
109 interest.

110 Section 3. Paragraph (a) of subsection (1), paragraph (b)
111 of subsection (2), paragraph (a) of subsection (3), and
112 subsections (6), (7), (10), and (11) of section 61.30, Florida

113 Statutes, are amended, and subsection (18) is added to that
 114 section, to read:

115 61.30 Child support guidelines; retroactive child
 116 support.--

117 (1) (a) The child support guideline amount as determined by
 118 this section presumptively establishes the amount the trier of
 119 fact shall order as child support in an initial proceeding for
 120 such support or in a proceeding for modification of an existing
 121 order for such support, whether the proceeding arises under this
 122 or another chapter. The trier of fact may order payment of child
 123 support which varies, plus or minus 5 percent, from the
 124 guideline amount, after considering all relevant factors,
 125 including the needs of the child or children, age, station in
 126 life, standard of living, and the financial status and ability
 127 of each parent. The trier of fact may order payment of child
 128 support in an amount which varies more than 5 percent from such
 129 guideline amount only upon a written finding explaining why
 130 ordering payment of such guideline amount would be unjust or
 131 inappropriate. Notwithstanding the variance limitations of this
 132 section, the trier of fact shall order payment of child support
 133 which varies from the guideline amount as provided in paragraph
 134 (11) (b) whenever any of the children are required by court order
 135 ~~or mediation agreement~~ to spend a substantial amount of time
 136 with either parent as defined by subparagraph (11) (b) 8. This
 137 requirement applies to any living arrangement, whether temporary
 138 or permanent.

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

141
 142 (b)1. Income on a monthly basis shall be imputed to an
 143 unemployed or underemployed parent when such employment or
 144 underemployment is found by the court to be voluntary on that
 145 parent's part, absent a finding of fact by the court of physical
 146 or mental incapacity or other circumstances over which the
 147 parent has no control. In the event of such voluntary
 148 unemployment or underemployment, the employment potential and
 149 probable earnings level of the parent shall be determined based
 150 upon his or her recent work history, occupational
 151 qualifications, and prevailing earnings level in the community
 152 as provided in this paragraph; however, the court may refuse to
 153 impute income to a parent if the court finds it necessary for
 154 the parent to stay home with the child who is the subject of a
 155 child support calculation.

156 2. In order for the court to impute income beyond minimum
 157 wage under subparagraph 1., the court must make specific
 158 findings of fact consistent with the requirements of this
 159 subparagraph. The party seeking to impute income has the burden
 160 to present competent, substantial evidence showing the
 161 following:

162 a. That the unemployment or underemployment is voluntary.

163 b. The amount and source of the imputed income, through
 164 evidence of income from available employment for which the party
 165 is suitably qualified by education, experience, current
 166 licensure, or geographic location, with due consideration being
 167 given to the parties' time-sharing schedule and their historical

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168 exercise of the time-sharing provided in the parenting plan or
169 relevant order.

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

173 a. The parent has a physical or mental incapacity that
174 renders the parent unemployable or underemployed;

175 b. The parent needs to stay home to care for a child who
176 is the subject of the child support calculation, thereby
177 preventing the parent's employment or rendering the parent
178 underemployed; or

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

182
183 If evidence is produced that demonstrates that the parent is a
184 resident of another state, that state's minimum wage law shall
185 apply. In the absence of a state minimum wage, the federal
186 minimum wage as determined by the United States Department of
187 Labor shall apply.

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

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

193 b. Income at a level that a party has never earned in the
194 past, unless recently degreed, licensed, certified, relicensed,
195 or recertified and thus qualified for, subject to geographic

196 location, with due consideration of the parties' existing time-
 197 sharing schedule and their historical exercise of the time-
 198 sharing provided in the parenting plan or relevant order.

199 (3) Net income is obtained by subtracting allowable
 200 deductions from gross income. Allowable deductions shall
 201 include:

202 (a) Federal, state, and local income tax, which shall be
 203 calculated using gross income deductions, adjusted for actual
 204 filing status, personal and dependency exemptions, applicable
 205 deductions, earned income credits, child and dependent care
 206 credits, and other allowable tax credits and allowable
 207 dependents and income tax liabilities.

208 (6) The following guidelines schedule shall be applied to
 209 the combined net income to determine the minimum child support
 210 need:

211 Combined Monthly

212 Net Income	213 Child or Children					
	One	Two	Three	Four	Five	Six
214 650.00	74	75	75	76	77	78
215 700.00	119	120	121	123	124	125
216 750.00	164	166	167	169	171	173

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218	800.00	190	211	213	216	218	220
219	850.00	202	257	259	262	265	268
220	900.00	213	302	305	309	312	315
221	950.00	224	347	351	355	359	363
222	1000.00	235	365	397	402	406	410
223	1050.00	246	382	443	448	453	458
224	1100.00	258	400	489	495	500	505
225	1150.00	269	417	522	541	547	553
226	1200.00	280	435	544	588	594	600
227	1250.00	290	451	565	634	641	648
228	1300.00	300	467	584	659	688	695
229	1350.00	310	482	603	681	735	743
230	1400.00	320	498	623	702	765	790
231	1450.00	330	513	642	724	789	838

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232	1500.00	340	529	662	746	813	869
233	1550.00	350	544	681	768	836	895
234	1600.00	360	560	701	790	860	920
235	1650.00	370	575	720	812	884	945
236	1700.00	380	591	740	833	907	971
237	1750.00	390	606	759	855	931	996
238	1800.00	400	622	779	877	955	1022
239	1850.00	410	638	798	900	979	1048
240	1900.00	421	654	818	923	1004	1074
241	1950.00	431	670	839	946	1029	1101
242	2000.00	442	686	859	968	1054	1128
243	2050.00	452	702	879	991	1079	1154
244	2100.00	463	718	899	1014	1104	1181
245	2150.00	473	734	919	1037	1129	1207

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246	2200.00	484	751	940	1060	1154	1234
247	2250.00	494	767	960	1082	1179	1261
248	2300.00	505	783	980	1105	1204	1287
249	2350.00	515	799	1000	1128	1229	1314
250	2400.00	526	815	1020	1151	1254	1340
251	2450.00	536	831	1041	1174	1279	1367
252	2500.00	547	847	1061	1196	1304	1394
253	2550.00	557	864	1081	1219	1329	1420
254	2600.00	568	880	1101	1242	1354	1447
255	2650.00	578	896	1121	1265	1379	1473
256	2700.00	588	912	1141	1287	1403	1500
257	2750.00	597	927	1160	1308	1426	1524
258	2800.00	607	941	1178	1328	1448	1549
259	2850.00	616	956	1197	1349	1471	1573

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260	2900.00	626	971	1215	1370	1494	1598
261	2950.00	635	986	1234	1391	1517	1622
262	3000.00	644	1001	1252	1412	1540	1647
263	3050.00	654	1016	1271	1433	1563	1671
264	3100.00	663	1031	1289	1453	1586	1695
265	3150.00	673	1045	1308	1474	1608	1720
266	3200.00	682	1060	1327	1495	1631	1744
267	3250.00	691	1075	1345	1516	1654	1769
268	3300.00	701	1090	1364	1537	1677	1793
269	3350.00	710	1105	1382	1558	1700	1818
270	3400.00	720	1120	1401	1579	1723	1842
271	3450.00	729	1135	1419	1599	1745	1867
272	3500.00	738	1149	1438	1620	1768	1891
273	3550.00	748	1164	1456	1641	1791	1915

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274	3600.00	757	1179	1475	1662	1814	1940
275	3650.00	767	1194	1493	1683	1837	1964
276	3700.00	776	1208	1503	1702	1857	1987
277	3750.00	784	1221	1520	1721	1878	2009
278	3800.00	793	1234	1536	1740	1899	2031
279	3850.00	802	1248	1553	1759	1920	2053
280	3900.00	811	1261	1570	1778	1940	2075
281	3950.00	819	1275	1587	1797	1961	2097
282	4000.00	828	1288	1603	1816	1982	2119
283	4050.00	837	1302	1620	1835	2002	2141
284	4100.00	846	1315	1637	1854	2023	2163
285	4150.00	854	1329	1654	1873	2044	2185
286	4200.00	863	1342	1670	1892	2064	2207
287	4250.00	872	1355	1687	1911	2085	2229

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288	4300.00	881	1369	1704	1930	2106	2251
289	4350.00	889	1382	1721	1949	2127	2273
290	4400.00	898	1396	1737	1968	2147	2295
291	4450.00	907	1409	1754	1987	2168	2317
292	4500.00	916	1423	1771	2006	2189	2339
293	4550.00	924	1436	1788	2024	2209	2361
294	4600.00	933	1450	1804	2043	2230	2384
295	4650.00	942	1463	1821	2062	2251	2406
296	4700.00	951	1477	1838	2081	2271	2428
297	4750.00	959	1490	1855	2100	2292	2450
298	4800.00	968	1503	1871	2119	2313	2472
299	4850.00	977	1517	1888	2138	2334	2494
300	4900.00	986	1530	1905	2157	2354	2516
301	4950.00	993	1542	1927	2174	2372	2535

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302	5000.00	1000	1551	1939	2188	2387	2551
303	5050.00	1006	1561	1952	2202	2402	2567
304	5100.00	1013	1571	1964	2215	2417	2583
305	5150.00	1019	1580	1976	2229	2432	2599
306	5200.00	1025	1590	1988	2243	2447	2615
307	5250.00	1032	1599	2000	2256	2462	2631
308	5300.00	1038	1609	2012	2270	2477	2647
309	5350.00	1045	1619	2024	2283	2492	2663
310	5400.00	1051	1628	2037	2297	2507	2679
311	5450.00	1057	1638	2049	2311	2522	2695
312	5500.00	1064	1647	2061	2324	2537	2711
313	5550.00	1070	1657	2073	2338	2552	2727
314	5600.00	1077	1667	2085	2352	2567	2743
315	5650.00	1083	1676	2097	2365	2582	2759

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316	5700.00	1089	1686	2109	2379	2597	2775
317	5750.00	1096	1695	2122	2393	2612	2791
318	5800.00	1102	1705	2134	2406	2627	2807
319	5850.00	1107	1713	2144	2418	2639	2820
320	5900.00	1111	1721	2155	2429	2651	2833
321	5950.00	1116	1729	2165	2440	2663	2847
322	6000.00	1121	1737	2175	2451	2676	2860
323	6050.00	1126	1746	2185	2462	2688	2874
324	6100.00	1131	1754	2196	2473	2700	2887
325	6150.00	1136	1762	2206	2484	2712	2900
326	6200.00	1141	1770	2216	2495	2724	2914
327	6250.00	1145	1778	2227	2506	2737	2927
328	6300.00	1150	1786	2237	2517	2749	2941
329	6350.00	1155	1795	2247	2529	2761	2954

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330	6400.00	1160	1803	2258	2540	2773	2967
331	6450.00	1165	1811	2268	2551	2785	2981
332	6500.00	1170	1819	2278	2562	2798	2994
333	6550.00	1175	1827	2288	2573	2810	3008
334	6600.00	1179	1835	2299	2584	2822	3021
335	6650.00	1184	1843	2309	2595	2834	3034
336	6700.00	1189	1850	2317	2604	2845	3045
337	6750.00	1193	1856	2325	2613	2854	3055
338	6800.00	1196	1862	2332	2621	2863	3064
339	6850.00	1200	1868	2340	2630	2872	3074
340	6900.00	1204	1873	2347	2639	2882	3084
341	6950.00	1208	1879	2355	2647	2891	3094
342	7000.00	1212	1885	2362	2656	2900	3103
343	7050.00	1216	1891	2370	2664	2909	3113

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344	7100.00	1220	1897	2378	2673	2919	3123
345	7150.00	1224	1903	2385	2681	2928	3133
346	7200.00	1228	1909	2393	2690	2937	3142
347	7250.00	1232	1915	2400	2698	2946	3152
348	7300.00	1235	1921	2408	2707	2956	3162
349	7350.00	1239	1927	2415	2716	2965	3172
350	7400.00	1243	1933	2423	2724	2974	3181
351	7450.00	1247	1939	2430	2733	2983	3191
352	7500.00	1251	1945	2438	2741	2993	3201
353	7550.00	1255	1951	2446	2750	3002	3211
354	7600.00	1259	1957	2453	2758	3011	3220
355	7650.00	1263	1963	2461	2767	3020	3230
356	7700.00	1267	1969	2468	2775	3030	3240
357	7750.00	1271	1975	2476	2784	3039	3250

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358	7800.00	1274	1981	2483	2792	3048	3259
359	7850.00	1278	1987	2491	2801	3057	3269
360	7900.00	1282	1992	2498	2810	3067	3279
361	7950.00	1286	1998	2506	2818	3076	3289
362	8000.00	1290	2004	2513	2827	3085	3298
363	8050.00	1294	2010	2521	2835	3094	3308
364	8100.00	1298	2016	2529	2844	3104	3318
365	8150.00	1302	2022	2536	2852	3113	3328
366	8200.00	1306	2028	2544	2861	3122	3337
367	8250.00	1310	2034	2551	2869	3131	3347
368	8300.00	1313	2040	2559	2878	3141	3357
369	8350.00	1317	2046	2566	2887	3150	3367
370	8400.00	1321	2052	2574	2895	3159	3376
371	8450.00	1325	2058	2581	2904	3168	3386

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372	8500.00	1329	2064	2589	2912	3178	3396
373	8550.00	1333	2070	2597	2921	3187	3406
374	8600.00	1337	2076	2604	2929	3196	3415
375	8650.00	1341	2082	2612	2938	3205	3425
376	8700.00	1345	2088	2619	2946	3215	3435
377	8750.00	1349	2094	2627	2955	3224	3445
378	8800.00	1352	2100	2634	2963	3233	3454
379	8850.00	1356	2106	2642	2972	3242	3464
380	8900.00	1360	2111	2649	2981	3252	3474
381	8950.00	1364	2117	2657	2989	3261	3484
382	9000.00	1368	2123	2664	2998	3270	3493
383	9050.00	1372	2129	2672	3006	3279	3503
384	9100.00	1376	2135	2680	3015	3289	3513
385	9150.00	1380	2141	2687	3023	3298	3523

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386	9200.00	1384	2147	2695	3032	3307	3532
387	9250.00	1388	2153	2702	3040	3316	3542
388	9300.00	1391	2159	2710	3049	3326	3552
389	9350.00	1395	2165	2717	3058	3335	3562
390	9400.00	1399	2171	2725	3066	3344	3571
391	9450.00	1403	2177	2732	3075	3353	3581
392	9500.00	1407	2183	2740	3083	3363	3591
393	9550.00	1411	2189	2748	3092	3372	3601
394	9600.00	1415	2195	2755	3100	3381	3610
395	9650.00	1419	2201	2763	3109	3390	3620
396	9700.00	1422	2206	2767	3115	3396	3628
397	9750.00	1425	2210	2772	3121	3402	3634
398	9800.00	1427	2213	2776	3126	3408	3641
399	9850.00	1430	2217	2781	3132	3414	3647

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400	9900.00	1432	2221	2786	3137	3420	3653
401	9950.00	1435	2225	2791	3143	3426	3659
402	10000.00	1437	2228	2795	3148	3432	3666

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

413
 414 Child or Children

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

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

420 (7) Child care costs incurred on behalf of the children
 421 due to employment, job search, or education calculated to result

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

431 (10) The total minimum child support need shall be
432 determined by adding child care costs and health insurance costs
433 to the minimum child support need. Each parent's actual dollar
434 share of the total minimum child support need shall be
435 determined by multiplying the minimum child support need by each
436 parent's percentage share of the combined monthly net income.
437 The resulting amount shall be paid by the parent having less
438 than 40 percent of the overnight time-sharing to the parent
439 having more than 60 percent of the overnight time-sharing.

440 (11) (a) The court may adjust the total minimum child
441 support award, or either or both parents' share of the total
442 minimum child support award, based upon the following deviation
443 factors:

- 444 1. Extraordinary medical, psychological, educational, or
445 dental expenses.
- 446 2. Independent income of the child, not to include moneys
447 received by a child from supplemental security income.
- 448 3. The payment of support for a parent which regularly has
449 been paid and for which there is a demonstrated need.

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450 4. Seasonal variations in one or both parents' incomes or
451 expenses.

452 5. The age of the child, taking into account the greater
453 needs of older children.

454 6. Special needs, such as costs that may be associated
455 with the disability of a child, that have traditionally been met
456 within the family budget even though the fulfilling of those
457 needs will cause the support to exceed the presumptive amount
458 established by the guidelines.

459 7. Total available assets of the obligee, obligor, and the
460 child.

461 ~~8. The impact of the Internal Revenue Service dependency~~
462 ~~exemption and waiver of that exemption. The court may order a~~
463 ~~parent to execute a waiver of the Internal Revenue Service~~
464 ~~dependency exemption if the paying parent is current in support~~
465 ~~payments.~~

466 8.9. When application of the child support guidelines
467 schedule requires a person to pay another person more than 55
468 percent of his or her gross income for a child support
469 obligation for current support resulting from a single support
470 order or when the application of the child support guidelines
471 leaves a party with a net income that is lower than the current
472 federal poverty guidelines.

473 ~~9.10.~~ The particular parenting plan, such as where the
474 child spends a significant amount of time, but less than 40
475 percent of the overnights, with one parent, thereby reducing the
476 financial expenditures incurred by the other parent; or the

477 refusal of a parent to become involved in the activities of the
 478 child.

479 ~~10.11.~~ Any other adjustment which is needed to achieve an
 480 equitable result which may include, but not be limited to, a
 481 reasonable and necessary existing expense or debt. Such expense
 482 or debt may include, but is not limited to, a reasonable and
 483 necessary expense or debt which the parties jointly incurred
 484 during the marriage.

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

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

492 2. Calculate the percentage of overnight stays the child
 493 spends with each parent.

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

497 4. The difference between the amounts calculated in
 498 subparagraph 3. shall be the monetary transfer necessary between
 499 the parents for the care of the child, subject to an adjustment
 500 for day care and health insurance expenses.

501 5. Pursuant to subsections (7) and (8), calculate the net
 502 amounts owed by each parent for the expenses incurred for day
 503 care and health insurance coverage for the child. ~~Day care shall~~

504 ~~be calculated without regard to the 25 percent reduction applied~~
 505 ~~by subsection (7).~~

506 6. Adjust the support obligation owed by each parent
 507 pursuant to subparagraph 4. by crediting or debiting the amount
 508 calculated in subparagraph 5. This amount represents the child
 509 support which must be exchanged between the parents.

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

518 8. For purposes of adjusting any award of child support
 519 under this paragraph, "substantial amount of time" means that a
 520 parent exercises time-sharing ~~visitation~~ at least 40 percent of
 521 the overnights of the year.

522 (c) A parent's failure to regularly exercise the court-
 523 ordered ~~or agreed~~ time-sharing schedule not caused by the other
 524 parent which resulted in the adjustment of the amount of child
 525 support pursuant to subparagraph (a) 9.10. ~~or~~ paragraph (b) shall
 526 be deemed a substantial change of circumstances for purposes of
 527 modifying the child support award. A modification pursuant to
 528 this paragraph shall be retroactive to the date the ~~noncustodial~~
 529 parent first failed to regularly exercise the court-ordered ~~or~~
 530 ~~agreed~~ time-sharing schedule.

531 (18) The court may, for good cause shown, order the parent
 532 otherwise entitled to the Internal Revenue Service dependency
 533 exemption for a child to execute a waiver of the dependency
 534 exemption.

535 Section 4. Paragraph (a) of subsection (5) of section
 536 409.2563, Florida Statutes, is amended to read:

537 409.2563 Administrative establishment of child support
 538 obligations.--

539 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

540 (a) After serving notice upon a parent in accordance with
 541 subsection (4), the department shall calculate that parent's
 542 child support obligation under the child support guidelines
 543 schedule as provided by s. 61.30, based on any timely financial
 544 affidavits received and other information available to the
 545 department. If either parent fails to comply with the
 546 requirement to furnish a financial affidavit, the department may
 547 proceed on the basis of information available from any source,
 548 if such information is sufficiently reliable and detailed to
 549 allow calculation of guideline schedule amounts under s. 61.30.
 550 If a parent receives public assistance and fails to submit a
 551 financial affidavit, the department may submit a financial
 552 affidavit for that parent pursuant to s. 61.30(15). If there is
 553 a lack of sufficient reliable information concerning a parent's
 554 actual earnings for a current or past period, there shall be a
 555 rebuttable presumption ~~it shall be presumed~~ for the purpose of
 556 establishing a support obligation that the parent had an earning
 557 capacity equal to the Florida ~~federal~~ minimum wage on a full-
 558 time basis during the applicable period, unless evidence is

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559 presented that the parent is a resident of another state, in
560 which case that state's minimum wage shall apply. In the absence
561 of a state minimum wage, the federal minimum wage as determined
562 by the United States Department of Labor shall apply.

563 Section 5. Section 742.08, Florida Statutes, is amended to
564 read:

565 742.08 Default of support payments.--Upon default in
566 payment of any moneys ordered by the court to be paid, the court
567 may enter a judgment for the amount in default, plus interest,
568 administrative costs, filing fees, and other expenses incurred
569 by the clerk of the circuit court which shall be a lien upon all
570 property of the defendant both real and personal. Interest on
571 support judgments shall be enforceable through all of the
572 methods available to enforce the underlying support order,
573 including contempt. Interest shall not accrue on postjudgment
574 interest. Costs and fees shall be assessed only after the court
575 makes a determination of the nonprevailing party's ability to
576 pay such costs and fees. In Title IV-D cases, any costs,
577 including filing fees, recording fees, mediation costs, service
578 of process fees, and other expenses incurred by the clerk of the
579 circuit court, shall be assessed only against the nonprevailing
580 obligor after the court makes a determination of the
581 nonprevailing obligor's ability to pay such costs and fees. The
582 Department of Revenue shall not be considered a party for
583 purposes of this section; however, fees may be assessed against
584 the department pursuant to s. 57.105(1). Willful failure to
585 comply with an order of the court shall be deemed a contempt of
586 the court entering the order and shall be punished as such. The

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587 | court may require bond of the defendant for the faithful
588 | performance of his or her obligation under the order of the
589 | court in such amount and upon such conditions as the court shall
590 | direct.

591 | Section 6. This act shall take effect October 1, 2009.