



386800

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2010	.	
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The Committee on Children, Families, and Elder Affairs (Storms) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 101 - 121  
and insert:

information concerning a parent's income is unavailable, a parent fails to participate in a child support proceeding, or a parent fails to supply adequate financial information in a child support proceeding, income shall be automatically imputed to the parent and there shall be a rebuttable presumption that the parent has income equivalent to the median income of year-round full-time workers as derived from current population reports or



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13 replacement reports published by the United States Bureau of  
14 Census. ~~as provided in this paragraph;~~ However, the court may  
15 refuse to impute income to a parent if the court finds it  
16 necessary for the parent to stay home with the child who is the  
17 subject of a child support calculation or as set forth below:

18 1. In order for the court to impute income at an amount  
19 other than the median income of year-round full-time workers as  
20 derived from current population reports or replacement reports  
21 published by the United States Bureau of Census, the court must  
22 make specific findings of fact consistent with the requirements  
23 of this paragraph. The party seeking to impute income has the  
24 burden to present competent, substantial evidence that:

25 a. the unemployment or underemployment is voluntary; and  
26 b. identifies the amount and source of the imputed  
27 income, through evidence of income from available employment for  
28 which the party is suitably qualified by education, experience,  
29 current licensure, or geographic location, with due  
30 consideration being given to the parties' time-sharing schedule  
31 and their historical exercise of the time-sharing provided in  
32 the parenting plan or relevant order.

33 2. Except as set forth in 61.30(b)1. income may not be  
34 imputed based upon:

35 a. Income records that are more than 5 years old at the  
36 time of the hearing or trial at which imputation is sought; or  
37 b. Income at a level that a party has never earned in the  
38 past, unless recently degreed, licensed, certified, relicensed,  
39 or recertified and thus qualified for, subject to geographic  
40 location, with due consideration of the parties' existing time-  
41 sharing schedule and their historical exercise of the time-



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42 sharing provided in the parenting plan or relevant order.

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

45 And the title is amended as follows:

46 Delete lines 7 - 11

47 and insert:

48 s. 61.30, F.S.; creating a rebuttable presumption of  
49 census level wages if information about earnings level  
50 is not provided; providing that the burden of proof is  
51 on the party seeking to impute income to the other  
52 party; prohibiting imputation of income for out of  
53 date records or unprecedented earnings; providing for  
54 the calculation of the