

By the Committee on Children, Families, and Elder Affairs

586-02220A-10

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1                   A bill to be entitled  
2           An act relating to child support guidelines; amending  
3           s. 61.13, F.S.; requiring all child support orders  
4           after a certain date to contain certain provisions;  
5           creating s. 61.29, F.S.; providing principles for  
6           implementing the support guidelines schedule; amending  
7           s. 61.30, F.S.; requiring that census information be  
8           used if information about earnings level in the  
9           community is not available; providing that the burden  
10          of proof is on the party seeking to impute income to  
11          the other party; providing for the calculation of the  
12          obligor parent's child support payment under certain  
13          circumstances; revising the deviation factors that a  
14          court may consider when adjusting a parent's share of  
15          the child support award; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Paragraph (a) of subsection (1) of section  
20           61.13, Florida Statutes, is amended to read:

21           61.13 Support of children; parenting and time-sharing;  
22           powers of court.—

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

29           1. All child support orders and income deduction orders

586-02220A-10

20102246

30 entered on or after October 1, 2010, must provide:

31 a. For child support to terminate on a child's 18th  
32 birthday unless the court finds or previously found that s.  
33 743.07(2) applies, or is otherwise agreed to by the parties;

34 b. A schedule, based on the record existing at the time of  
35 the order, stating the amount of the monthly child support  
36 obligation for all the minor children at the time of the order  
37 and the amount of child support that will be owed for any  
38 remaining children after one or more of the children is no  
39 longer entitled to receive child support; and

40 c. The month, day, and year that the reduction or  
41 termination of child support becomes effective.

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

55 Section 2. Section 61.29, Florida Statutes, is created to  
56 read:

57 61.29 Child support guidelines; principles.—The courts  
58 shall adhere to the following principles in implementing the

586-02220A-10

20102246\_\_

59 child support guidelines schedule:

60 (1) A parent's first and principal obligation is to support  
61 his or her minor child.

62 (2) Both parents are mutually responsible for the support  
63 of their children.

64 (3) Each parent should pay for the support of the children  
65 according to a parent's ability to pay.

66 (4) Children should share in the standard of living of both  
67 parents. Child support may therefore be appropriately used to  
68 improve the standard of living of the children's primary  
69 residence in order to improve the lives of the children.

70 (5) The guidelines schedule takes into account each  
71 parent's actual income and level of responsibility for the  
72 children.

73 (6) It is presumed that the parent having primary physical  
74 responsibility for the children contributes a significant  
75 portion of his or her available resources for the support of the  
76 children.

77 (7) The guidelines schedule is based on the parents'  
78 combined net income estimated to have been allocated to the  
79 child if the parents and children were living in an intact  
80 household.

81 (8) The guidelines schedule encourages fair and efficient  
82 settlement of conflicts between parents and minimizes the need  
83 for litigation.

84 Section 3. Paragraph (b) of subsection (2) and subsections  
85 (6), (7), and (11) of section 61.30, Florida Statutes, are  
86 amended to read:

87 61.30 Child support guidelines; retroactive child support.-

586-02220A-10

20102246

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

90 (b) Monthly income ~~on a monthly basis~~ shall be imputed to  
91 an unemployed or underemployed parent ~~if when~~ such unemployment  
92 ~~employment~~ or underemployment is found by the court to be  
93 voluntary on that parent's part, absent a finding of fact by the  
94 court of physical or mental incapacity or other circumstances  
95 over which the parent has no control. In the event of such  
96 voluntary unemployment or underemployment, the employment  
97 potential and probable earnings level of the parent shall be  
98 determined based upon his or her recent work history,  
99 occupational qualifications, and prevailing earnings level in  
100 the community if such information is available. If the  
101 information is unavailable or the unemployed or underemployed  
102 parent fails to supply the required financial information in a  
103 child support proceeding, the earnings level shall be based on  
104 the median income of year-round full-time workers as derived  
105 from current population reports or replacement reports published  
106 by the United States Bureau of Census. as provided in this  
107 ~~paragraph;~~ However, the court may refuse to impute income to a  
108 parent if the court finds it necessary for the parent to stay  
109 home with the child who is the subject of a child support  
110 calculation.

111 1. To impute income to a party in a child support  
112 proceeding, the court must:

113 a. Conclude that the unemployment or underemployment was  
114 voluntary.

115 b. Determine whether any subsequent underemployment  
116 resulted from the spouse's pursuit of his or her own interests

586-02220A-10

20102246\_\_

117 or through less than diligent and bona fide efforts to find  
 118 employment paying income at a level equal to or better than that  
 119 formerly received.

120 2. The burden of proof is on the party seeking to impute  
 121 income to the other party.

122 (c) Public assistance as defined in s. 409.2554 shall be  
 123 excluded from gross income.

124 (6) The following guidelines schedule shall be applied to  
 125 the combined net income to determine the minimum child support  
 126 need:

Combined

Monthly

127	Net Income	Child or Children					
128		One	Two	Three	Four	Five	Six
129	650.00	74	75	75	76	77	78
130	700.00	119	120	121	123	124	125
131	750.00	164	166	167	169	171	173
132	800.00	190	211	213	216	218	220
133	850.00	202	257	259	262	265	268
134	900.00	213	302	305	309	312	315
135							

	586-02220A-10					20102246	
136	950.00	224	347	351	355	359	363
137	1000.00	235	365	397	402	406	410
138	1050.00	246	382	443	448	453	458
139	1100.00	258	400	489	495	500	505
140	1150.00	269	417	522	541	547	553
141	1200.00	280	435	544	588	594	600
142	1250.00	290	451	565	634	641	648
143	1300.00	300	467	584	659	688	695
144	1350.00	310	482	603	681	735	743
145	1400.00	320	498	623	702	765	790
146	1450.00	330	513	642	724	789	838
147	1500.00	340	529	662	746	813	869
148	1550.00	350	544	681	768	836	895
149	1600.00	360	560	701	790	860	920
	1650.00	370	575	720	812	884	945

586-02220A-10

20102246\_\_

150	1700.00	380	591	740	833	907	971
151	1750.00	390	606	759	855	931	996
152	1800.00	400	622	779	877	955	1022
153	1850.00	410	638	798	900	979	1048
154	1900.00	421	654	818	923	1004	1074
155	1950.00	431	670	839	946	1029	1101
156	2000.00	442	686	859	968	1054	1128
157	2050.00	452	702	879	991	1079	1154
158	2100.00	463	718	899	1014	1104	1181
159	2150.00	473	734	919	1037	1129	1207
160	2200.00	484	751	940	1060	1154	1234
161	2250.00	494	767	960	1082	1179	1261
162	2300.00	505	783	980	1105	1204	1287
163	2350.00	515	799	1000	1128	1229	1314
164							

	586-02220A-10					20102246	
165	2400.00	526	815	1020	1151	1254	1340
166	2450.00	536	831	1041	1174	1279	1367
167	2500.00	547	847	1061	1196	1304	1394
168	2550.00	557	864	1081	1219	1329	1420
169	2600.00	568	880	1101	1242	1354	1447
170	2650.00	578	896	1121	1265	1379	1473
171	2700.00	588	912	1141	1287	1403	1500
172	2750.00	597	927	1160	1308	1426	1524
173	2800.00	607	941	1178	1328	1448	1549
174	2850.00	616	956	1197	1349	1471	1573
175	2900.00	626	971	1215	1370	1494	1598
176	2950.00	635	986	1234	1391	1517	1622
177	3000.00	644	1001	1252	1412	1540	1647
178	3050.00	654	1016	1271	1433	1563	1671
	3100.00	663	1031	1289	1453	1586	1695



586-02220A-10

20102246\_\_

179	3150.00	673	1045	1308	1474	1608	1720
180	3200.00	682	1060	1327	1495	1631	1744
181	3250.00	691	1075	1345	1516	1654	1769
182	3300.00	701	1090	1364	1537	1677	1793
183	3350.00	710	1105	1382	1558	1700	1818
184	3400.00	720	1120	1401	1579	1723	1842
185	3450.00	729	1135	1419	1599	1745	1867
186	3500.00	738	1149	1438	1620	1768	1891
187	3550.00	748	1164	1456	1641	1791	1915
188	3600.00	757	1179	1475	1662	1814	1940
189	3650.00	767	1194	1493	1683	1837	1964
190	3700.00	776	1208	1503	1702	1857	1987
191	3750.00	784	1221	1520	1721	1878	2009
192	3800.00	793	1234	1536	1740	1899	2031
193							

	586-02220A-10					20102246	
194	3850.00	802	1248	1553	1759	1920	2053
195	3900.00	811	1261	1570	1778	1940	2075
196	3950.00	819	1275	1587	1797	1961	2097
197	4000.00	828	1288	1603	1816	1982	2119
198	4050.00	837	1302	1620	1835	2002	2141
199	4100.00	846	1315	1637	1854	2023	2163
200	4150.00	854	1329	1654	1873	2044	2185
201	4200.00	863	1342	1670	1892	2064	2207
202	4250.00	872	1355	1687	1911	2085	2229
203	4300.00	881	1369	1704	1930	2106	2251
204	4350.00	889	1382	1721	1949	2127	2273
205	4400.00	898	1396	1737	1968	2147	2295
206	4450.00	907	1409	1754	1987	2168	2317
207	4500.00	916	1423	1771	2006	2189	2339
	4550.00	924	1436	1788	2024	2209	2361

	586-02220A-10					20102246	
208	4600.00	933	1450	1804	2043	2230	2384
209	4650.00	942	1463	1821	2062	2251	2406
210	4700.00	951	1477	1838	2081	2271	2428
211	4750.00	959	1490	1855	2100	2292	2450
212	4800.00	968	1503	1871	2119	2313	2472
213	4850.00	977	1517	1888	2138	2334	2494
214	4900.00	986	1530	1905	2157	2354	2516
215	4950.00	993	1542	1927	2174	2372	2535
216	5000.00	1000	1551	1939	2188	2387	2551
217	5050.00	1006	1561	1952	2202	2402	2567
218	5100.00	1013	1571	1964	2215	2417	2583
219	5150.00	1019	1580	1976	2229	2432	2599
220	5200.00	1025	1590	1988	2243	2447	2615
221	5250.00	1032	1599	2000	2256	2462	2631
222							

	586-02220A-10					20102246	
223	5300.00	1038	1609	2012	2270	2477	2647
224	5350.00	1045	1619	2024	2283	2492	2663
225	5400.00	1051	1628	2037	2297	2507	2679
226	5450.00	1057	1638	2049	2311	2522	2695
227	5500.00	1064	1647	2061	2324	2537	2711
228	5550.00	1070	1657	2073	2338	2552	2727
229	5600.00	1077	1667	2085	2352	2567	2743
230	5650.00	1083	1676	2097	2365	2582	2759
231	5700.00	1089	1686	2109	2379	2597	2775
232	5750.00	1096	1695	2122	2393	2612	2791
233	5800.00	1102	1705	2134	2406	2627	2807
234	5850.00	1107	1713	2144	2418	2639	2820
235	5900.00	1111	1721	2155	2429	2651	2833
236	5950.00	1116	1729	2165	2440	2663	2847
	6000.00	1121	1737	2175	2451	2676	2860

586-02220A-10

20102246\_\_

237	6050.00	1126	1746	2185	2462	2688	2874
238	6100.00	1131	1754	2196	2473	2700	2887
239	6150.00	1136	1762	2206	2484	2712	2900
240	6200.00	1141	1770	2216	2495	2724	2914
241	6250.00	1145	1778	2227	2506	2737	2927
242	6300.00	1150	1786	2237	2517	2749	2941
243	6350.00	1155	1795	2247	2529	2761	2954
244	6400.00	1160	1803	2258	2540	2773	2967
245	6450.00	1165	1811	2268	2551	2785	2981
246	6500.00	1170	1819	2278	2562	2798	2994
247	6550.00	1175	1827	2288	2573	2810	3008
248	6600.00	1179	1835	2299	2584	2822	3021
249	6650.00	1184	1843	2309	2595	2834	3034
250	6700.00	1189	1850	2317	2604	2845	3045
251							

	586-02220A-10					20102246	
252	6750.00	1193	1856	2325	2613	2854	3055
253	6800.00	1196	1862	2332	2621	2863	3064
254	6850.00	1200	1868	2340	2630	2872	3074
255	6900.00	1204	1873	2347	2639	2882	3084
256	6950.00	1208	1879	2355	2647	2891	3094
257	7000.00	1212	1885	2362	2656	2900	3103
258	7050.00	1216	1891	2370	2664	2909	3113
259	7100.00	1220	1897	2378	2673	2919	3123
260	7150.00	1224	1903	2385	2681	2928	3133
261	7200.00	1228	1909	2393	2690	2937	3142
262	7250.00	1232	1915	2400	2698	2946	3152
263	7300.00	1235	1921	2408	2707	2956	3162
264	7350.00	1239	1927	2415	2716	2965	3172
265	7400.00	1243	1933	2423	2724	2974	3181
	7450.00	1247	1939	2430	2733	2983	3191

	586-02220A-10					20102246	
266	7500.00	1251	1945	2438	2741	2993	3201
267	7550.00	1255	1951	2446	2750	3002	3211
268	7600.00	1259	1957	2453	2758	3011	3220
269	7650.00	1263	1963	2461	2767	3020	3230
270	7700.00	1267	1969	2468	2775	3030	3240
271	7750.00	1271	1975	2476	2784	3039	3250
272	7800.00	1274	1981	2483	2792	3048	3259
273	7850.00	1278	1987	2491	2801	3057	3269
274	7900.00	1282	1992	2498	2810	3067	3279
275	7950.00	1286	1998	2506	2818	3076	3289
276	8000.00	1290	2004	2513	2827	3085	3298
277	8050.00	1294	2010	2521	2835	3094	3308
278	8100.00	1298	2016	2529	2844	3104	3318
279	8150.00	1302	2022	2536	2852	3113	3328
280							

	586-02220A-10					20102246	
281	8200.00	1306	2028	2544	2861	3122	3337
282	8250.00	1310	2034	2551	2869	3131	3347
283	8300.00	1313	2040	2559	2878	3141	3357
284	8350.00	1317	2046	2566	2887	3150	3367
285	8400.00	1321	2052	2574	2895	3159	3376
286	8450.00	1325	2058	2581	2904	3168	3386
287	8500.00	1329	2064	2589	2912	3178	3396
288	8550.00	1333	2070	2597	2921	3187	3406
289	8600.00	1337	2076	2604	2929	3196	3415
290	8650.00	1341	2082	2612	2938	3205	3425
291	8700.00	1345	2088	2619	2946	3215	3435
292	8750.00	1349	2094	2627	2955	3224	3445
293	8800.00	1352	2100	2634	2963	3233	3454
294	8850.00	1356	2106	2642	2972	3242	3464
	8900.00	1360	2111	2649	2981	3252	3474



586-02220A-10

20102246\_\_

295	8950.00	1364	2117	2657	2989	3261	3484
296	9000.00	1368	2123	2664	2998	3270	3493
297	9050.00	1372	2129	2672	3006	3279	3503
298	9100.00	1376	2135	2680	3015	3289	3513
299	9150.00	1380	2141	2687	3023	3298	3523
300	9200.00	1384	2147	2695	3032	3307	3532
301	9250.00	1388	2153	2702	3040	3316	3542
302	9300.00	1391	2159	2710	3049	3326	3552
303	9350.00	1395	2165	2717	3058	3335	3562
304	9400.00	1399	2171	2725	3066	3344	3571
305	9450.00	1403	2177	2732	3075	3353	3581
306	9500.00	1407	2183	2740	3083	3363	3591
307	9550.00	1411	2189	2748	3092	3372	3601
308	9600.00	1415	2195	2755	3100	3381	3610
309							

	586-02220A-10					20102246	
310	9650.00	1419	2201	2763	3109	3390	3620
311	9700.00	1422	2206	2767	3115	3396	3628
312	9750.00	1425	2210	2772	3121	3402	3634
313	9800.00	1427	2213	2776	3126	3408	3641
314	9850.00	1430	2217	2781	3132	3414	3647
315	9900.00	1432	2221	2786	3137	3420	3653
316	9950.00	1435	2225	2791	3143	3426	3659
317	10000.00	1437	2228	2795	3148	3432	3666

318 (a) If the obligor parent's ~~For combined monthly~~ net income  
 319 is less than the amount in ~~set out on~~ the ~~above~~ guidelines  
 320 schedule:7

321 1. The parent should be ordered to pay a child support  
 322 amount, determined on a case-by-case basis, to establish the  
 323 principle of payment and lay the basis for increased support  
 324 orders should the parent's income increase ~~in the future~~.

325 2. The obligor parent's child support payment shall be the  
 326 lesser of the obligor parent's actual dollar share of the total  
 327 minimum child support amount, as determined in subparagraph 1.,  
 328 and 90 percent of the difference between the obligor parent's  
 329 monthly net income and the current poverty guidelines as  
 330 periodically updated in the Federal Register by the United

586-02220A-10

20102246\_\_

331 States Department of Health and Human Services pursuant to 42  
 332 U.S.C. s. 9902(2) for a single individual living alone.

333 (b) For combined monthly net income greater than the amount  
 334 ~~set out~~ in the ~~above~~ guidelines schedule, the obligation is  
 335 ~~shall be~~ the minimum amount of support provided by the  
 336 guidelines schedule plus the following percentages multiplied by  
 337 the amount of income over \$10,000:

338 Child or Children

339	One	Two	Three	Four	Five	Six
340	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

341  
 342 (7) Child care costs incurred ~~on behalf of the children~~ due  
 343 to employment, job search, or education calculated to result in  
 344 employment or to enhance income of current employment of either  
 345 parent ~~shall be reduced by 25 percent and then~~ shall be added to  
 346 the basic obligation. After the ~~adjusted~~ child care costs are  
 347 ~~added to the basic obligation~~, any moneys prepaid by a parent  
 348 for child care costs for the child or children of this action  
 349 shall be deducted from that parent's child support obligation  
 350 for that child or those children. Child care costs may ~~shall~~ not  
 351 exceed the level required to provide quality care from a  
 352 licensed source ~~for the children~~.

353 (11) (a) The court may adjust the total minimum child  
 354 support award, or either or both parents' share of the total  
 355 minimum child support award, based upon the following deviation  
 356 factors:

586-02220A-10

20102246

- 357 1. Extraordinary medical, psychological, educational, or  
358 dental expenses.
- 359 2. Independent income of the child, not to include moneys  
360 received by a child from supplemental security income.
- 361 3. The payment of support for a parent which ~~regularly~~ has  
362 been regularly paid and for which there is a demonstrated need.
- 363 4. Seasonal variations in one or both parents' incomes or  
364 expenses.
- 365 5. The age of the child, taking into account the greater  
366 needs of older children.
- 367 6. Special needs, such as costs that may be associated with  
368 the disability of a child, that have traditionally been met  
369 within the family budget even though ~~the~~ fulfilling ~~of~~ those  
370 needs will cause the support to exceed the presumptive amount  
371 established by the guidelines.
- 372 7. Total available assets of the obligee, obligor, and the  
373 child.
- 374 8. The impact of the Internal Revenue Service Child &  
375 Dependent Care Tax Credit, Earned Income Tax Credit, and  
376 dependency exemption and waiver of that exemption. The court may  
377 order a parent to execute a waiver of the Internal Revenue  
378 Service dependency exemption if the paying parent is current in  
379 support payments.
- 380 9. An ~~When~~ application of the child support guidelines  
381 schedule that requires a person to pay another person more than  
382 55 percent of his or her gross income for a child support  
383 obligation for current support resulting from a single support  
384 order.
- 385 10. The particular parenting plan, ~~such as where the child~~

586-02220A-10

20102246

386 ~~spends a significant amount of time, but less than 40 percent of~~  
387 ~~the overnights, with one parent, thereby reducing the financial~~  
388 ~~expenditures incurred by the other parent;~~ or the refusal of a  
389 parent to become involved in the activities of the child.

390 11. Any other adjustment that ~~which~~ is needed to achieve an  
391 equitable result which may include, but not be limited to, a  
392 reasonable and necessary existing expense or debt. Such expense  
393 or debt may include, but is not limited to, a reasonable and  
394 necessary expense or debt that ~~which~~ the parties jointly  
395 incurred during the marriage.

396 (b) If ~~Whenever~~ a particular parenting plan provides that  
397 each child spend ~~a substantial amount of~~ time with each parent,  
398 the court shall adjust any award of child support, as follows:

399 1. In accordance with subsections (9) and (10), calculate  
400 the amount of support obligation apportioned to each parent  
401 without including day care and health insurance costs in the  
402 calculation ~~and multiply the amount by 1.5.~~

403 2. Calculate the percentage of overnight stays the child  
404 spends with each parent.

405 3. Multiply each parent's support obligation as calculated  
406 in subparagraph 1. by the sum of one and the smaller percentage  
407 calculated in subparagraph 2.

408 ~~4.3.~~ Multiply each parent's support obligation as  
409 calculated in subparagraph 3. ~~4.~~ by the percentage of the other  
410 parent's overnight stays with the child as calculated in  
411 subparagraph 2.

412 ~~5.4.~~ The difference between the amounts calculated in  
413 subparagraph 4. ~~is 3.~~ shall be the monetary transfer necessary  
414 between the parents for the care of the child, subject to an

586-02220A-10

20102246\_\_

415 adjustment for day care and health insurance expenses.

416 ~~6.5.~~ Pursuant to subsections (7) and (8), calculate the net  
417 amounts owed by each parent for the expenses incurred for day  
418 care and health insurance coverage for the child. ~~Day care shall~~  
419 ~~be calculated without regard to the 25-percent reduction applied~~  
420 ~~by subsection (7).~~

421 ~~7.6.~~ Adjust the support obligation owed by each parent  
422 pursuant to subparagraph 5. 4. by crediting or debiting the  
423 amount calculated in subparagraph ~~6. 5.~~ This amount represents  
424 the child support which must be exchanged between the parents.

425 ~~8.7.~~ The court may deviate from the child support amount  
426 calculated pursuant to subparagraph ~~7. 6.~~ based upon the  
427 deviation factors in paragraph (a), as well as the obligee  
428 parent's low income and ability to maintain the basic  
429 necessities of the home for the child, the likelihood that  
430 either parent will actually exercise the time-sharing schedule  
431 set forth in the parenting plan granted by the court, and  
432 whether all of the children are exercising the same time-sharing  
433 schedule.

434 ~~8.~~ For purposes of adjusting any award of child support  
435 under this paragraph, "substantial amount of time" means that a  
436 parent exercises visitation at least 40 percent of the  
437 overnights of the year.

438 (c) A parent's failure to regularly exercise the court-  
439 ordered or agreed time-sharing schedule not caused by the other  
440 parent which resulted in the adjustment of the amount of child  
441 support pursuant to subparagraph (a)10. or paragraph (b) shall  
442 be deemed a substantial change of circumstances for purposes of  
443 modifying the child support award. A modification pursuant to

586-02220A-10

20102246\_\_

444 this paragraph is ~~shall be~~ retroactive to the date the  
445 noncustodial parent first failed to regularly exercise the  
446 court-ordered or agreed time-sharing schedule.

447 Section 4. This act shall take effect January 1, 2011.