

By the Committees on Judiciary; Children, Families, and Elder Affairs; and Children, Families, and Elder Affairs

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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.; creating a rebuttable presumption of
8 census-level wages if information about earnings level
9 is not provided; providing that the burden of proof is
10 on the party seeking to impute income to the other
11 party; prohibiting imputation of income for out-of-
12 date records or unprecedented earnings; removing the
13 first three combined monthly net income amounts on the
14 guidelines schedule; providing for the calculation of
15 the obligor parent's child support payment under
16 certain circumstances; revising the deviation factors
17 that a court may consider when adjusting a parent's
18 share of the child support award; providing effective
19 dates.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Effective October 1, 2010, paragraph (a) of
24 subsection (1) of section 61.13, Florida Statutes, is amended to
25 read:

26 61.13 Support of children; parenting and time-sharing;
27 powers of court.—

28 (1) (a) In a proceeding under this chapter, the court may at
29 any time order either or both parents who owe a duty of support

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30 to a child to pay support to the other parent or, in the case of
31 both parents, to a third party who has ~~the person with~~ custody
32 in accordance with the child support guidelines schedule in s.
33 61.30.

34 1. All child support orders and income deduction orders
35 entered on or after October 1, 2010, must provide:

36 a. For child support to terminate on a child's 18th
37 birthday unless the court finds or previously found that s.
38 743.07(2) applies, or is otherwise agreed to by the parties;

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

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

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

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59 of the child support payments.

60 Section 2. Section 61.29, Florida Statutes, is created to
61 read:

62 61.29 Child support guidelines; principles.-The following
63 principles establish the public policy of the State of Florida
64 in the creation of the child support guidelines:

65 (1) Each parent has a fundamental obligation to support his
66 or her minor or legally dependent child.

67 (2) The guidelines schedule is based on the parent's
68 combined net income estimated to have been allocated to the
69 child as if the parents and children were living in an intact
70 household.

71 (3) The guidelines encourage fair and efficient settlement
72 of support issues between parents and minimizes the need for
73 litigation.

74 Section 3. Paragraph (b) of subsection (2) and subsections
75 (6), (7), and (11) of section 61.30, Florida Statutes, are
76 amended to read:

77 61.30 Child support guidelines; retroactive child support.-

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

80 (b) Monthly income ~~on a monthly basis~~ shall be imputed to
81 an unemployed or underemployed parent if ~~when~~ such unemployment
82 ~~employment~~ or underemployment is found by the court to be
83 voluntary on that parent's part, absent a finding of fact by the
84 court of physical or mental incapacity or other circumstances
85 over which the parent has no control. In the event of such
86 voluntary unemployment or underemployment, the employment
87 potential and probable earnings level of the parent shall be

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88 determined based upon his or her recent work history,
89 occupational qualifications, and prevailing earnings level in
90 the community if such information is available. If the
91 information concerning a parent's income is unavailable, a
92 parent fails to participate in a child support proceeding, or a
93 parent fails to supply adequate financial information in a child
94 support proceeding, income shall be automatically imputed to the
95 parent and there is a rebuttable presumption that the parent has
96 income equivalent to the median income of year-round full-time
97 workers as derived from current population reports or
98 replacement reports published by the United States Bureau of the
99 Census. ~~as provided in this paragraph;~~ However, the court may
100 refuse to impute income to a parent if the court finds it
101 necessary for that ~~the~~ parent to stay home with the child who is
102 the subject of a child support calculation or as set forth
103 below:-

104 1. In order for the court to impute income at an amount
105 other than the median income of year-round full-time workers as
106 derived from current population reports or replacement reports
107 published by the United States Bureau of the Census, the court
108 must make specific findings of fact consistent with the
109 requirements of this paragraph. The party seeking to impute
110 income has the burden to present competent, substantial evidence
111 that:

112 a. The unemployment or underemployment is voluntary; and
113 b. Identifies the amount and source of the imputed income,
114 through evidence of income from available employment for which
115 the party is suitably qualified by education, experience,
116 current licensure, or geographic location, with due

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117 consideration being given to the parties' time-sharing schedule
 118 and their historical exercise of the time-sharing provided in
 119 the parenting plan or relevant order.

120 2. Except as set forth in subparagraph 1., income may not
 121 be imputed based upon:

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

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

130 (6) The following guidelines schedule shall be applied to
 131 the combined net income to determine the minimum child support
 132 need:

Combined
 Monthly

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

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139	800.00	190	211	213	216	218	220
140	850.00	202	257	259	262	265	268
141	900.00	213	302	305	309	312	315
142	950.00	224	347	351	355	359	363
143	1000.00	235	365	397	402	406	410
144	1050.00	246	382	443	448	453	458
145	1100.00	258	400	489	495	500	505
146	1150.00	269	417	522	541	547	553
147	1200.00	280	435	544	588	594	600
148	1250.00	290	451	565	634	641	648
149	1300.00	300	467	584	659	688	695
150	1350.00	310	482	603	681	735	743
151	1400.00	320	498	623	702	765	790
152	1450.00	330	513	642	724	789	838
	1500.00	340	529	662	746	813	869

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153	1550.00	350	544	681	768	836	895
154	1600.00	360	560	701	790	860	920
155	1650.00	370	575	720	812	884	945
156	1700.00	380	591	740	833	907	971
157	1750.00	390	606	759	855	931	996
158	1800.00	400	622	779	877	955	1022
159	1850.00	410	638	798	900	979	1048
160	1900.00	421	654	818	923	1004	1074
161	1950.00	431	670	839	946	1029	1101
162	2000.00	442	686	859	968	1054	1128
163	2050.00	452	702	879	991	1079	1154
164	2100.00	463	718	899	1014	1104	1181
165	2150.00	473	734	919	1037	1129	1207
166	2200.00	484	751	940	1060	1154	1234
167							

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168	2250.00	494	767	960	1082	1179	1261
169	2300.00	505	783	980	1105	1204	1287
170	2350.00	515	799	1000	1128	1229	1314
171	2400.00	526	815	1020	1151	1254	1340
172	2450.00	536	831	1041	1174	1279	1367
173	2500.00	547	847	1061	1196	1304	1394
174	2550.00	557	864	1081	1219	1329	1420
175	2600.00	568	880	1101	1242	1354	1447
176	2650.00	578	896	1121	1265	1379	1473
177	2700.00	588	912	1141	1287	1403	1500
178	2750.00	597	927	1160	1308	1426	1524
179	2800.00	607	941	1178	1328	1448	1549
180	2850.00	616	956	1197	1349	1471	1573
181	2900.00	626	971	1215	1370	1494	1598
	2950.00	635	986	1234	1391	1517	1622

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182	3000.00	644	1001	1252	1412	1540	1647
183	3050.00	654	1016	1271	1433	1563	1671
184	3100.00	663	1031	1289	1453	1586	1695
185	3150.00	673	1045	1308	1474	1608	1720
186	3200.00	682	1060	1327	1495	1631	1744
187	3250.00	691	1075	1345	1516	1654	1769
188	3300.00	701	1090	1364	1537	1677	1793
189	3350.00	710	1105	1382	1558	1700	1818
190	3400.00	720	1120	1401	1579	1723	1842
191	3450.00	729	1135	1419	1599	1745	1867
192	3500.00	738	1149	1438	1620	1768	1891
193	3550.00	748	1164	1456	1641	1791	1915
194	3600.00	757	1179	1475	1662	1814	1940
195	3650.00	767	1194	1493	1683	1837	1964
196							

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197	3700.00	776	1208	1503	1702	1857 1987
198	3750.00	784	1221	1520	1721	1878 2009
199	3800.00	793	1234	1536	1740	1899 2031
200	3850.00	802	1248	1553	1759	1920 2053
201	3900.00	811	1261	1570	1778	1940 2075
202	3950.00	819	1275	1587	1797	1961 2097
203	4000.00	828	1288	1603	1816	1982 2119
204	4050.00	837	1302	1620	1835	2002 2141
205	4100.00	846	1315	1637	1854	2023 2163
206	4150.00	854	1329	1654	1873	2044 2185
207	4200.00	863	1342	1670	1892	2064 2207
208	4250.00	872	1355	1687	1911	2085 2229
209	4300.00	881	1369	1704	1930	2106 2251
210	4350.00	889	1382	1721	1949	2127 2273
	4400.00	898	1396	1737	1968	2147 2295

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211	4450.00	907	1409	1754	1987	2168	2317
212	4500.00	916	1423	1771	2006	2189	2339
213	4550.00	924	1436	1788	2024	2209	2361
214	4600.00	933	1450	1804	2043	2230	2384
215	4650.00	942	1463	1821	2062	2251	2406
216	4700.00	951	1477	1838	2081	2271	2428
217	4750.00	959	1490	1855	2100	2292	2450
218	4800.00	968	1503	1871	2119	2313	2472
219	4850.00	977	1517	1888	2138	2334	2494
220	4900.00	986	1530	1905	2157	2354	2516
221	4950.00	993	1542	1927	2174	2372	2535
222	5000.00	1000	1551	1939	2188	2387	2551
223	5050.00	1006	1561	1952	2202	2402	2567
224	5100.00	1013	1571	1964	2215	2417	2583
225							

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226	5150.00	1019	1580	1976	2229	2432 2599
227	5200.00	1025	1590	1988	2243	2447 2615
228	5250.00	1032	1599	2000	2256	2462 2631
229	5300.00	1038	1609	2012	2270	2477 2647
230	5350.00	1045	1619	2024	2283	2492 2663
231	5400.00	1051	1628	2037	2297	2507 2679
232	5450.00	1057	1638	2049	2311	2522 2695
233	5500.00	1064	1647	2061	2324	2537 2711
234	5550.00	1070	1657	2073	2338	2552 2727
235	5600.00	1077	1667	2085	2352	2567 2743
236	5650.00	1083	1676	2097	2365	2582 2759
237	5700.00	1089	1686	2109	2379	2597 2775
238	5750.00	1096	1695	2122	2393	2612 2791
239	5800.00	1102	1705	2134	2406	2627 2807
	5850.00	1107	1713	2144	2418	2639 2820

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240	5900.00	1111	1721	2155	2429	2651	2833
241	5950.00	1116	1729	2165	2440	2663	2847
242	6000.00	1121	1737	2175	2451	2676	2860
243	6050.00	1126	1746	2185	2462	2688	2874
244	6100.00	1131	1754	2196	2473	2700	2887
245	6150.00	1136	1762	2206	2484	2712	2900
246	6200.00	1141	1770	2216	2495	2724	2914
247	6250.00	1145	1778	2227	2506	2737	2927
248	6300.00	1150	1786	2237	2517	2749	2941
249	6350.00	1155	1795	2247	2529	2761	2954
250	6400.00	1160	1803	2258	2540	2773	2967
251	6450.00	1165	1811	2268	2551	2785	2981
252	6500.00	1170	1819	2278	2562	2798	2994
253	6550.00	1175	1827	2288	2573	2810	3008
254							

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255	6600.00	1179	1835	2299	2584	2822 3021
256	6650.00	1184	1843	2309	2595	2834 3034
257	6700.00	1189	1850	2317	2604	2845 3045
258	6750.00	1193	1856	2325	2613	2854 3055
259	6800.00	1196	1862	2332	2621	2863 3064
260	6850.00	1200	1868	2340	2630	2872 3074
261	6900.00	1204	1873	2347	2639	2882 3084
262	6950.00	1208	1879	2355	2647	2891 3094
263	7000.00	1212	1885	2362	2656	2900 3103
264	7050.00	1216	1891	2370	2664	2909 3113
265	7100.00	1220	1897	2378	2673	2919 3123
266	7150.00	1224	1903	2385	2681	2928 3133
267	7200.00	1228	1909	2393	2690	2937 3142
268	7250.00	1232	1915	2400	2698	2946 3152
	7300.00	1235	1921	2408	2707	2956 3162

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269	7350.00	1239	1927	2415	2716	2965	3172
270	7400.00	1243	1933	2423	2724	2974	3181
271	7450.00	1247	1939	2430	2733	2983	3191
272	7500.00	1251	1945	2438	2741	2993	3201
273	7550.00	1255	1951	2446	2750	3002	3211
274	7600.00	1259	1957	2453	2758	3011	3220
275	7650.00	1263	1963	2461	2767	3020	3230
276	7700.00	1267	1969	2468	2775	3030	3240
277	7750.00	1271	1975	2476	2784	3039	3250
278	7800.00	1274	1981	2483	2792	3048	3259
279	7850.00	1278	1987	2491	2801	3057	3269
280	7900.00	1282	1992	2498	2810	3067	3279
281	7950.00	1286	1998	2506	2818	3076	3289
282	8000.00	1290	2004	2513	2827	3085	3298
283							

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284	8050.00	1294	2010	2521	2835	3094 3308
285	8100.00	1298	2016	2529	2844	3104 3318
286	8150.00	1302	2022	2536	2852	3113 3328
287	8200.00	1306	2028	2544	2861	3122 3337
288	8250.00	1310	2034	2551	2869	3131 3347
289	8300.00	1313	2040	2559	2878	3141 3357
290	8350.00	1317	2046	2566	2887	3150 3367
291	8400.00	1321	2052	2574	2895	3159 3376
292	8450.00	1325	2058	2581	2904	3168 3386
293	8500.00	1329	2064	2589	2912	3178 3396
294	8550.00	1333	2070	2597	2921	3187 3406
295	8600.00	1337	2076	2604	2929	3196 3415
296	8650.00	1341	2082	2612	2938	3205 3425
297	8700.00	1345	2088	2619	2946	3215 3435
	8750.00	1349	2094	2627	2955	3224 3445

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298	8800.00	1352	2100	2634	2963	3233	3454
299	8850.00	1356	2106	2642	2972	3242	3464
300	8900.00	1360	2111	2649	2981	3252	3474
301	8950.00	1364	2117	2657	2989	3261	3484
302	9000.00	1368	2123	2664	2998	3270	3493
303	9050.00	1372	2129	2672	3006	3279	3503
304	9100.00	1376	2135	2680	3015	3289	3513
305	9150.00	1380	2141	2687	3023	3298	3523
306	9200.00	1384	2147	2695	3032	3307	3532
307	9250.00	1388	2153	2702	3040	3316	3542
308	9300.00	1391	2159	2710	3049	3326	3552
309	9350.00	1395	2165	2717	3058	3335	3562
310	9400.00	1399	2171	2725	3066	3344	3571
311	9450.00	1403	2177	2732	3075	3353	3581
312							

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313	9500.00	1407	2183	2740	3083	3363 3591
314	9550.00	1411	2189	2748	3092	3372 3601
315	9600.00	1415	2195	2755	3100	3381 3610
316	9650.00	1419	2201	2763	3109	3390 3620
317	9700.00	1422	2206	2767	3115	3396 3628
318	9750.00	1425	2210	2772	3121	3402 3634
319	9800.00	1427	2213	2776	3126	3408 3641
320	9850.00	1430	2217	2781	3132	3414 3647
321	9900.00	1432	2221	2786	3137	3420 3653
322	9950.00	1435	2225	2791	3143	3426 3659
323	10000.00	1437	2228	2795	3148	3432 3666

324 (a) If the obligor parent's ~~For combined monthly~~ net income
 325 is less than the amount in ~~set out on the above~~ guidelines
 326 schedule:

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

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331 2. The obligor parent's child support payment shall be the
 332 lesser of the obligor parent's actual dollar share of the total
 333 minimum child support amount, as determined in subparagraph 1.,
 334 and 90 percent of the difference between the obligor parent's
 335 monthly net income and the current poverty guidelines as
 336 periodically updated in the Federal Register by the United
 337 States Department of Health and Human Services pursuant to 42
 338 U.S.C. s. 9902(2) for a single individual living alone.

339 (b) For combined monthly net income greater than the amount
 340 ~~set out~~ in the ~~above~~ guidelines schedule, the obligation is
 341 ~~shall be~~ the minimum amount of support provided by the
 342 guidelines schedule plus the following percentages multiplied by
 343 the amount of income over \$10,000:
 344

Child or Children

	One	Two	Three	Four	Five	Six
345						
346	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

347

348 (7) Child care costs incurred ~~on behalf of the children~~ due
 349 to employment, job search, or education calculated to result in
 350 employment or to enhance income of current employment of either
 351 parent ~~shall be reduced by 25 percent and then~~ shall be added to
 352 the basic obligation. After the ~~adjusted~~ child care costs are
 353 ~~added to the basic obligation~~, any moneys prepaid by a parent
 354 for child care costs for the child or children of this action
 355 shall be deducted from that parent's child support obligation
 356 for that child or those children. Child care costs may ~~shall~~ not

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357 exceed the level required to provide quality care from a
358 licensed source ~~for the children~~.

359 (11) (a) The court may adjust the total minimum child
360 support award, or either or both parents' share of the total
361 minimum child support award, based upon the following deviation
362 factors:

363 1. Extraordinary medical, psychological, educational, or
364 dental expenses.

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

367 3. The payment of support for a parent which ~~regularly~~ has
368 been regularly paid and for which there is a demonstrated need.

369 4. Seasonal variations in one or both parents' incomes or
370 expenses.

371 5. The age of the child, taking into account the greater
372 needs of older children.

373 6. Special needs, such as costs that may be associated with
374 the disability of a child, that have traditionally been met
375 within the family budget even though ~~the~~ fulfilling ~~of~~ those
376 needs will cause the support to exceed the presumptive amount
377 established by the guidelines.

378 7. Total available assets of the obligee, obligor, and the
379 child.

380 8. The impact of the Internal Revenue Service Child &
381 Dependent Care Tax Credit, Earned Income Tax Credit, and
382 dependency exemption and waiver of that exemption. The court may
383 order a parent to execute a waiver of the Internal Revenue
384 Service dependency exemption if the paying parent is current in
385 support payments.

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386 9. An ~~When~~ application of the child support guidelines
387 schedule that requires a person to pay another person more than
388 55 percent of his or her gross income for a child support
389 obligation for current support resulting from a single support
390 order.

391 10. The particular parenting plan, such as where the child
392 spends a significant amount of time, but less than 20 ~~40~~ percent
393 of the overnights, with one parent, thereby reducing the
394 financial expenditures incurred by the other parent; or the
395 refusal of a parent to become involved in the activities of the
396 child.

397 11. Any other adjustment that ~~which~~ is needed to achieve an
398 equitable result which may include, but not be limited to, a
399 reasonable and necessary existing expense or debt. Such expense
400 or debt may include, but is not limited to, a reasonable and
401 necessary expense or debt that ~~which~~ the parties jointly
402 incurred during the marriage.

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

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

410 2. Calculate the percentage of overnight stays the child
411 spends with each parent.

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

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415 4. The difference between the amounts calculated in
416 subparagraph 3. shall be the monetary transfer necessary between
417 the parents for the care of the child, subject to an adjustment
418 for day care and health insurance expenses.

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

424 6. Adjust the support obligation owed by each parent
425 pursuant to subparagraph 4. by crediting or debiting the amount
426 calculated in subparagraph 5. This amount represents the child
427 support which must be exchanged between the parents.

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

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

440 (c) A parent's failure to regularly exercise the court-
441 ordered or agreed time-sharing schedule not caused by the other
442 parent which resulted in the adjustment of the amount of child
443 support pursuant to subparagraph (a)10. or paragraph (b) shall

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444 be deemed a substantial change of circumstances for purposes of
445 modifying the child support award. A modification pursuant to
446 this paragraph is ~~shall be~~ retroactive to the date the
447 noncustodial parent first failed to regularly exercise the
448 court-ordered or agreed time-sharing schedule.

449 Section 4. Except as otherwise expressly provided in this
450 act and except for this section, which shall take effect October
451 1, 2010, this act shall take effect January 1, 2011.