



683622

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2010	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Storms) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 61.29, Florida Statutes, is created to read:

61.29 Child support guidelines; principles.—The courts shall adhere to the following principles in implementing the child support guidelines schedule:

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

(2) Both parents are mutually responsible for the support



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13 of their children.

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

16 (4) Children should share in the standard of living of both
17 parents. Child support may therefore be appropriately used to
18 improve the standard of living of the children's primary
19 residence in order to improve the lives of the children.

20 (5) The guidelines schedule takes into account each
21 parent's actual income and level of responsibility for the
22 children.

23 (6) It is presumed that the parent having primary physical
24 responsibility for the children contributes a significant
25 portion of his or her available resources for the support of the
26 children.

27 (7) The guidelines schedule is based on the parents'
28 combined net income estimated to have been allocated to the
29 child if the parents and children were living in an intact
30 household.

31 (8) The guidelines schedule encourages fair and efficient
32 settlement of conflicts between parents and minimizes the need
33 for litigation.

34 Section 2. Paragraph (b) of subsection (2) and subsections
35 (6), (7), and (11) of section 61.30, Florida Statutes, are
36 amended to read:

37 61.30 Child support guidelines; retroactive child support.—

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

40 (b) Monthly income ~~on a monthly basis~~ shall be imputed to
41 an unemployed or underemployed parent if ~~when~~ such unemployment



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42 ~~employment~~ or underemployment is found by the court to be
43 voluntary on that parent's part, absent a finding of fact by the
44 court of physical or mental incapacity or other circumstances
45 over which the parent has no control. In the event of such
46 voluntary unemployment or underemployment, the employment
47 potential and probable earnings level of the parent shall be
48 determined based upon his or her recent work history,
49 occupational qualifications, and prevailing earnings level in
50 the community if such information is available. If the
51 information is unavailable or the unemployed or underemployed
52 parent fails to supply the required financial information in a
53 child support proceeding, the earnings level shall be based on
54 the median income of year-round full-time workers as derived
55 from current population reports or replacement reports published
56 by the United States Bureau of Census. ~~as provided in this~~
57 ~~paragraph.~~ However, the court may refuse to impute income to a
58 parent if the court finds it necessary for the parent to stay
59 home with the child who is the subject of a child support
60 calculation.

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

63 a. Conclude that the unemployment or underemployment was
64 voluntary.

65 b. Determine whether any subsequent underemployment
66 resulted from the spouse's pursuit of his or her own interests
67 or through less than diligent and bona fide efforts to find
68 employment paying income at a level equal to or better than that
69 formerly received.

70 2. The burden of proof is on the party seeking to impute



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71 income to the other party.

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

74 (6) The following guidelines schedule shall be applied to
75 the combined net income to determine the minimum child support
76 need:

Combined
Monthly

77	Net Income	Child or Children					
78		One	Two	Three	Four	Five	Six
79	650.00	74	75	75	76	77	78
80	700.00	119	120	121	123	124	125
81	750.00	164	166	167	169	171	173
82	800.00	190	211	213	216	218	220
83	850.00	202	257	259	262	265	268
84	900.00	213	302	305	309	312	315
85	950.00	224	347	351	355	359	363
86	1000.00	235	365	397	402	406	410
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88	1050.00	246	382	443	448	453	458
89	1100.00	258	400	489	495	500	505
90	1150.00	269	417	522	541	547	553
91	1200.00	280	435	544	588	594	600
92	1250.00	290	451	565	634	641	648
93	1300.00	300	467	584	659	688	695
94	1350.00	310	482	603	681	735	743
95	1400.00	320	498	623	702	765	790
96	1450.00	330	513	642	724	789	838
97	1500.00	340	529	662	746	813	869
98	1550.00	350	544	681	768	836	895
99	1600.00	360	560	701	790	860	920
100	1650.00	370	575	720	812	884	945
101	1700.00	380	591	740	833	907	971
	1750.00	390	606	759	855	931	996



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102	1800.00	400	622	779	877	955	1022
103	1850.00	410	638	798	900	979	1048
104	1900.00	421	654	818	923	1004	1074
105	1950.00	431	670	839	946	1029	1101
106	2000.00	442	686	859	968	1054	1128
107	2050.00	452	702	879	991	1079	1154
108	2100.00	463	718	899	1014	1104	1181
109	2150.00	473	734	919	1037	1129	1207
110	2200.00	484	751	940	1060	1154	1234
111	2250.00	494	767	960	1082	1179	1261
112	2300.00	505	783	980	1105	1204	1287
113	2350.00	515	799	1000	1128	1229	1314
114	2400.00	526	815	1020	1151	1254	1340
115	2450.00	536	831	1041	1174	1279	1367
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117	2500.00	547	847	1061	1196	1304	1394
118	2550.00	557	864	1081	1219	1329	1420
119	2600.00	568	880	1101	1242	1354	1447
120	2650.00	578	896	1121	1265	1379	1473
121	2700.00	588	912	1141	1287	1403	1500
122	2750.00	597	927	1160	1308	1426	1524
123	2800.00	607	941	1178	1328	1448	1549
124	2850.00	616	956	1197	1349	1471	1573
125	2900.00	626	971	1215	1370	1494	1598
126	2950.00	635	986	1234	1391	1517	1622
127	3000.00	644	1001	1252	1412	1540	1647
128	3050.00	654	1016	1271	1433	1563	1671
129	3100.00	663	1031	1289	1453	1586	1695
130	3150.00	673	1045	1308	1474	1608	1720
	3200.00	682	1060	1327	1495	1631	1744



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131	3250.00	691	1075	1345	1516	1654	1769
132	3300.00	701	1090	1364	1537	1677	1793
133	3350.00	710	1105	1382	1558	1700	1818
134	3400.00	720	1120	1401	1579	1723	1842
135	3450.00	729	1135	1419	1599	1745	1867
136	3500.00	738	1149	1438	1620	1768	1891
137	3550.00	748	1164	1456	1641	1791	1915
138	3600.00	757	1179	1475	1662	1814	1940
139	3650.00	767	1194	1493	1683	1837	1964
140	3700.00	776	1208	1503	1702	1857	1987
141	3750.00	784	1221	1520	1721	1878	2009
142	3800.00	793	1234	1536	1740	1899	2031
143	3850.00	802	1248	1553	1759	1920	2053
144	3900.00	811	1261	1570	1778	1940	2075
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146	3950.00	819	1275	1587	1797	1961	2097
147	4000.00	828	1288	1603	1816	1982	2119
148	4050.00	837	1302	1620	1835	2002	2141
149	4100.00	846	1315	1637	1854	2023	2163
150	4150.00	854	1329	1654	1873	2044	2185
151	4200.00	863	1342	1670	1892	2064	2207
152	4250.00	872	1355	1687	1911	2085	2229
153	4300.00	881	1369	1704	1930	2106	2251
154	4350.00	889	1382	1721	1949	2127	2273
155	4400.00	898	1396	1737	1968	2147	2295
156	4450.00	907	1409	1754	1987	2168	2317
157	4500.00	916	1423	1771	2006	2189	2339
158	4550.00	924	1436	1788	2024	2209	2361
159	4600.00	933	1450	1804	2043	2230	2384
	4650.00	942	1463	1821	2062	2251	2406



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160	4700.00	951	1477	1838	2081	2271	2428
161	4750.00	959	1490	1855	2100	2292	2450
162	4800.00	968	1503	1871	2119	2313	2472
163	4850.00	977	1517	1888	2138	2334	2494
164	4900.00	986	1530	1905	2157	2354	2516
165	4950.00	993	1542	1927	2174	2372	2535
166	5000.00	1000	1551	1939	2188	2387	2551
167	5050.00	1006	1561	1952	2202	2402	2567
168	5100.00	1013	1571	1964	2215	2417	2583
169	5150.00	1019	1580	1976	2229	2432	2599
170	5200.00	1025	1590	1988	2243	2447	2615
171	5250.00	1032	1599	2000	2256	2462	2631
172	5300.00	1038	1609	2012	2270	2477	2647
173	5350.00	1045	1619	2024	2283	2492	2663
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175	5400.00	1051	1628	2037	2297	2507	2679
176	5450.00	1057	1638	2049	2311	2522	2695
177	5500.00	1064	1647	2061	2324	2537	2711
178	5550.00	1070	1657	2073	2338	2552	2727
179	5600.00	1077	1667	2085	2352	2567	2743
180	5650.00	1083	1676	2097	2365	2582	2759
181	5700.00	1089	1686	2109	2379	2597	2775
182	5750.00	1096	1695	2122	2393	2612	2791
183	5800.00	1102	1705	2134	2406	2627	2807
184	5850.00	1107	1713	2144	2418	2639	2820
185	5900.00	1111	1721	2155	2429	2651	2833
186	5950.00	1116	1729	2165	2440	2663	2847
187	6000.00	1121	1737	2175	2451	2676	2860
188	6050.00	1126	1746	2185	2462	2688	2874
	6100.00	1131	1754	2196	2473	2700	2887



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189	6150.00	1136	1762	2206	2484	2712	2900
190	6200.00	1141	1770	2216	2495	2724	2914
191	6250.00	1145	1778	2227	2506	2737	2927
192	6300.00	1150	1786	2237	2517	2749	2941
193	6350.00	1155	1795	2247	2529	2761	2954
194	6400.00	1160	1803	2258	2540	2773	2967
195	6450.00	1165	1811	2268	2551	2785	2981
196	6500.00	1170	1819	2278	2562	2798	2994
197	6550.00	1175	1827	2288	2573	2810	3008
198	6600.00	1179	1835	2299	2584	2822	3021
199	6650.00	1184	1843	2309	2595	2834	3034
200	6700.00	1189	1850	2317	2604	2845	3045
201	6750.00	1193	1856	2325	2613	2854	3055
202	6800.00	1196	1862	2332	2621	2863	3064
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204	6850.00	1200	1868	2340	2630	2872	3074
205	6900.00	1204	1873	2347	2639	2882	3084
206	6950.00	1208	1879	2355	2647	2891	3094
207	7000.00	1212	1885	2362	2656	2900	3103
208	7050.00	1216	1891	2370	2664	2909	3113
209	7100.00	1220	1897	2378	2673	2919	3123
210	7150.00	1224	1903	2385	2681	2928	3133
211	7200.00	1228	1909	2393	2690	2937	3142
212	7250.00	1232	1915	2400	2698	2946	3152
213	7300.00	1235	1921	2408	2707	2956	3162
214	7350.00	1239	1927	2415	2716	2965	3172
215	7400.00	1243	1933	2423	2724	2974	3181
216	7450.00	1247	1939	2430	2733	2983	3191
217	7500.00	1251	1945	2438	2741	2993	3201
	7550.00	1255	1951	2446	2750	3002	3211



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218	7600.00	1259	1957	2453	2758	3011	3220
219	7650.00	1263	1963	2461	2767	3020	3230
220	7700.00	1267	1969	2468	2775	3030	3240
221	7750.00	1271	1975	2476	2784	3039	3250
222	7800.00	1274	1981	2483	2792	3048	3259
223	7850.00	1278	1987	2491	2801	3057	3269
224	7900.00	1282	1992	2498	2810	3067	3279
225	7950.00	1286	1998	2506	2818	3076	3289
226	8000.00	1290	2004	2513	2827	3085	3298
227	8050.00	1294	2010	2521	2835	3094	3308
228	8100.00	1298	2016	2529	2844	3104	3318
229	8150.00	1302	2022	2536	2852	3113	3328
230	8200.00	1306	2028	2544	2861	3122	3337
231	8250.00	1310	2034	2551	2869	3131	3347
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233	8300.00	1313	2040	2559	2878	3141	3357
234	8350.00	1317	2046	2566	2887	3150	3367
235	8400.00	1321	2052	2574	2895	3159	3376
236	8450.00	1325	2058	2581	2904	3168	3386
237	8500.00	1329	2064	2589	2912	3178	3396
238	8550.00	1333	2070	2597	2921	3187	3406
239	8600.00	1337	2076	2604	2929	3196	3415
240	8650.00	1341	2082	2612	2938	3205	3425
241	8700.00	1345	2088	2619	2946	3215	3435
242	8750.00	1349	2094	2627	2955	3224	3445
243	8800.00	1352	2100	2634	2963	3233	3454
244	8850.00	1356	2106	2642	2972	3242	3464
245	8900.00	1360	2111	2649	2981	3252	3474
246	8950.00	1364	2117	2657	2989	3261	3484
	9000.00	1368	2123	2664	2998	3270	3493



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247	9050.00	1372	2129	2672	3006	3279	3503
248	9100.00	1376	2135	2680	3015	3289	3513
249	9150.00	1380	2141	2687	3023	3298	3523
250	9200.00	1384	2147	2695	3032	3307	3532
251	9250.00	1388	2153	2702	3040	3316	3542
252	9300.00	1391	2159	2710	3049	3326	3552
253	9350.00	1395	2165	2717	3058	3335	3562
254	9400.00	1399	2171	2725	3066	3344	3571
255	9450.00	1403	2177	2732	3075	3353	3581
256	9500.00	1407	2183	2740	3083	3363	3591
257	9550.00	1411	2189	2748	3092	3372	3601
258	9600.00	1415	2195	2755	3100	3381	3610
259	9650.00	1419	2201	2763	3109	3390	3620
260	9700.00	1422	2206	2767	3115	3396	3628
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262	9750.00	1425	2210	2772	3121	3402	3634
263	9800.00	1427	2213	2776	3126	3408	3641
264	9850.00	1430	2217	2781	3132	3414	3647
265	9900.00	1432	2221	2786	3137	3420	3653
266	9950.00	1435	2225	2791	3143	3426	3659
267	10000.00	1437	2228	2795	3148	3432	3666

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

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

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

283 (b) For combined monthly net income greater than the amount
284 set out in the above guidelines schedule, the obligation is



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285 ~~shall be~~ the minimum amount of support provided by the
286 guidelines schedule plus the following percentages multiplied by
287 the amount of income over \$10,000:

Child or Children

288	One	Two	Three	Four	Five	Six
289	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

290
291 (7) Child care costs incurred ~~on behalf of the children~~ due
292 to employment, job search, or education calculated to result in
293 employment or to enhance income of current employment of either
294 parent ~~shall be reduced by 25 percent and then~~ shall be added to
295 the basic obligation. After the ~~adjusted~~ child care costs are
296 added ~~to the basic obligation~~, any moneys prepaid by a parent
297 for child care costs for the child or children of this action
298 shall be deducted from that parent's child support obligation
299 for that child or those children. Child care costs may ~~shall~~ not
300 exceed the level required to provide quality care from a
301 licensed source ~~for the children~~.

302 (11) (a) The court may adjust the total minimum child
303 support award, or either or both parents' share of the total
304 minimum child support award, based upon the following deviation
305 factors:

- 306 1. Extraordinary medical, psychological, educational, or
307 dental expenses.
- 308 2. Independent income of the child, not to include moneys
309 received by a child from supplemental security income.
- 310 3. The payment of support for a parent which ~~regularly~~ has



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311 been regularly paid and for which there is a demonstrated need.
312 4. Seasonal variations in one or both parents' incomes or
313 expenses.
314 5. The age of the child, taking into account the greater
315 needs of older children.
316 6. Special needs, such as costs that may be associated with
317 the disability of a child, that have traditionally been met
318 within the family budget even though ~~the~~ fulfilling ~~of~~ those
319 needs will cause the support to exceed the presumptive amount
320 established by the guidelines.
321 7. Total available assets of the obligee, obligor, and the
322 child.
323 8. The impact of the Internal Revenue Service Child &
324 Dependent Care Tax Credit, Earned Income Tax Credit, and
325 dependency exemption and waiver of that exemption. The court may
326 order a parent to execute a waiver of the Internal Revenue
327 Service dependency exemption if the paying parent is current in
328 support payments.
329 9. An ~~When~~ application of the child support guidelines
330 schedule that requires a person to pay another person more than
331 55 percent of his or her gross income for a child support
332 obligation for current support resulting from a single support
333 order.
334 10. The particular parenting plan, ~~such as where the child~~
335 ~~spends a significant amount of time, but less than 40 percent of~~
336 ~~the overnights, with one parent, thereby reducing the financial~~
337 ~~expenditures incurred by the other parent;~~ or the refusal of a
338 parent to become involved in the activities of the child.
339 11. Any other adjustment that ~~which~~ is needed to achieve an



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340 equitable result which may include, but not be limited to, a
341 reasonable and necessary existing expense or debt. Such expense
342 or debt may include, but is not limited to, a reasonable and
343 necessary expense or debt that ~~which~~ the parties jointly
344 incurred during the marriage.

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

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

352 2. Calculate the percentage of overnight stays the child
353 spends with each parent.

354 3. Multiply each parent's support obligation as calculated
355 in subparagraph 1. by the sum of one and the smaller percentage
356 calculated in subparagraph 2.

357 ~~4.3.~~ Multiply each parent's support obligation as
358 calculated in subparagraph 3. ~~4.~~ by the percentage of the other
359 parent's overnight stays with the child as calculated in
360 subparagraph 2.

361 ~~5.4.~~ The difference between the amounts calculated in
362 subparagraph 4. ~~is 3.~~ shall be the monetary transfer necessary
363 between the parents for the care of the child, subject to an
364 adjustment for day care and health insurance expenses.

365 ~~6.5.~~ Pursuant to subsections (7) and (8), calculate the net
366 amounts owed by each parent for the expenses incurred for day
367 care and health insurance coverage for the child. ~~Day care shall~~
368 ~~be calculated without regard to the 25-percent reduction applied~~



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369 ~~by subsection (7).~~

370 ~~7.6.~~ Adjust the support obligation owed by each parent
371 pursuant to subparagraph ~~5. 4.~~ by crediting or debiting the
372 amount calculated in subparagraph ~~6. 5.~~ This amount represents
373 the child support which must be exchanged between the parents.

374 ~~8.7.~~ The court may deviate from the child support amount
375 calculated pursuant to subparagraph ~~7. 6.~~ based upon the
376 deviation factors in paragraph (a), as well as the obligee
377 parent's low income and ability to maintain the basic
378 necessities of the home for the child, the likelihood that
379 either parent will actually exercise the time-sharing schedule
380 set forth in the parenting plan granted by the court, and
381 whether all of the children are exercising the same time-sharing
382 schedule.

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

387 (c) A parent's failure to regularly exercise the court-
388 ordered or agreed time-sharing schedule not caused by the other
389 parent which resulted in the adjustment of the amount of child
390 support pursuant to subparagraph (a)10. or paragraph (b) shall
391 be deemed a substantial change of circumstances for purposes of
392 modifying the child support award. A modification pursuant to
393 this paragraph ~~is shall be~~ retroactive to the date the
394 noncustodial parent first failed to regularly exercise the
395 court-ordered or agreed time-sharing schedule.

396 Section 3. This act shall take effect January 1, 2011.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to child support guidelines; creating
s. 61.29, F.S.; providing principles for implementing
the support guidelines schedule; amending s. 61.30,
F.S.; requiring that census information be used if
information about earnings level in the community is
not available; providing that the burden of proof is
on the party seeking to impute income to the other
party; providing for the calculation of the obligor
parent's child support payment under certain
circumstances; revising the deviation factors that a
court may consider when adjusting a parent's share of
the child support award; providing an effective date.