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

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29 deleting provisions relating to adjustment of a minimum
30 child support award relating to the Internal Revenue
31 Service dependency exemption; providing for adjustment of
32 a party's minimum child support award when application of
33 the child support guidelines leaves the party with a net
34 income lower than the federal poverty guidelines; revising
35 the amount of time spent with one parent that is necessary
36 for consideration as a factor in determining a deviation
37 in child support; deleting a requirement that every
38 petition for child support or for a modification of child
39 support be accompanied by an affidavit showing specified
40 information; allowing a court to order a party to execute
41 a waiver of the Internal Revenue Service dependency
42 exemption for a child for good cause shown; amending s.
43 409.2563, F.S.; conforming cross-references; revising
44 provisions relating to a presumption of minimum wage
45 earning capacity for purposes of administrative support
46 orders; amending s. 742.031, F.S.; conforming a cross-
47 reference; amending s. 742.08, F.S.; providing for
48 enforcement of interest payments on support judgments;
49 providing that interest shall not accrue on postjudgment
50 interest; providing an effective date.

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. Paragraph (a) of subsection (1) of section
55 61.13, Florida Statutes, is amended to read:

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56 61.13 Support of children; parenting and time-sharing;
57 powers of court.—

58 (1) (a) In a proceeding under this chapter, the court may
59 at any time order either or both parents who owe a duty of
60 support to a child to pay support to the other parent or, in the
61 case of both parents, to a third party ~~the person~~ with custody
62 in accordance with the child support guidelines schedule in s.
63 61.30.

64 1. All child support orders and income deduction orders
65 entered on or after October 1, 2010, shall provide for the
66 following:

67 a. The termination of child support upon a child's 18th
68 birthday, unless the court finds or has previously found that s.
69 743.07(2) applies or unless otherwise agreed to by the parties.

70 b. A schedule, based upon the record existing at the time
71 of the order, stating the amount of the monthly child support
72 obligation for all the minor children at the time of the order
73 and the amount of child support that will be owed for the
74 remaining children for whom child support will continue when any
75 child is no longer entitled to receive child support under this
76 subparagraph.

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

79 2. Notwithstanding subparagraph 1., the court initially
80 entering an order requiring one or both parents to make child
81 support payments has continuing jurisdiction after the entry of
82 the initial order to modify the amount and terms and conditions
83 of the child support payments when the modification is found

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84 necessary by the court in the best interests of the child, when
 85 the child reaches majority, when there is a substantial change
 86 in the circumstances of the parties, when s. 743.07(2) applies,
 87 or when a child is emancipated, marries, joins the armed
 88 services, or dies. The court initially entering a child support
 89 order has continuing jurisdiction to require the obligee to
 90 report to the court on terms prescribed by the court regarding
 91 the disposition of the child support payments.

92 Section 2. Paragraph (d) of subsection (6) and paragraph
 93 (b) of subsection (11) of section 61.14, Florida Statutes, are
 94 amended, and subsection (12) is added to that section, to read:

95 61.14 Enforcement and modification of support,
 96 maintenance, or alimony agreements or orders.—

97 (6)

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

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112 (11)

113 (b) The modification of the temporary support order may be
 114 retroactive to the date of the initial entry of the temporary
 115 support order; to the date of filing of the initial petition for
 116 dissolution of marriage, initial petition for support, initial
 117 petition determining paternity, or supplemental petition for
 118 modification; or to a date prescribed in paragraph (1) (a) or s.
 119 61.30(11) (c) or (16)~~(17)~~, as applicable.

120 (12) Interest on child support and alimony or spousal
 121 support judgments shall be enforceable through all of the
 122 methods available to enforce the underlying support order,
 123 including contempt. Interest shall not accrue on postjudgment
 124 interest.

125 Section 3. Section 61.30, Florida Statutes, is amended to
 126 read:

127 61.30 Child support guidelines; retroactive child
 128 support.—

129 (1) (a) The child support guideline amount as determined by
 130 this section presumptively establishes the amount the trier of
 131 fact shall order as child support in an initial proceeding for
 132 such support or in a proceeding for modification of an existing
 133 order for such support, whether the proceeding arises under this
 134 or another chapter. The trier of fact may order payment of child
 135 support which varies, plus or minus 5 percent, from the
 136 guideline amount, after considering all relevant factors,
 137 including the needs of the child or children, age, station in
 138 life, standard of living, and the financial status and ability
 139 of each parent. The trier of fact may order payment of child

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140 support in an amount which varies more than 5 percent from such
141 guideline amount only upon a written finding explaining why
142 ordering payment of such guideline amount would be unjust or
143 inappropriate. Notwithstanding the variance limitations of this
144 section, the trier of fact shall order payment of child support
145 which varies from the guideline amount as provided in paragraph
146 (11)(b) whenever any of the children are required by court order
147 ~~or mediation agreement~~ to spend a substantial amount of time
148 with either parent as defined by subparagraph (11)(b)8. This
149 requirement applies to any living arrangement, whether temporary
150 or permanent.

151 (b) The guidelines may provide the basis for proving a
152 substantial change in circumstances upon which a modification of
153 an existing order may be granted. However, the difference
154 between the existing monthly obligation and the amount provided
155 for under the guidelines shall be at least 15 percent or \$50,
156 whichever amount is greater, before the court may find that the
157 guidelines provide a substantial change in circumstances.

158 (c) For each support order reviewed by the department as
159 required by s. 409.2564(11), if the amount of the child support
160 award under the order differs by at least 10 percent but not
161 less than \$25 from the amount that would be awarded under s.
162 61.30, the department shall seek to have the order modified and
163 any modification shall be made without a requirement for proof
164 or showing of a change in circumstances.

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

167 (a) Gross income shall include, but is not limited to, the

168 following:

169 1. Salary or wages.

170 2. Bonuses, commissions, allowances, overtime, tips, and
171 other similar payments.

172 3. Business income from sources such as self-employment,
173 partnership, close corporations, and independent contracts.
174 "Business income" means gross receipts minus ordinary and
175 necessary expenses required to produce income.

176 4. Disability benefits.

177 5. All workers' compensation benefits and settlements.

178 6. Unemployment compensation.

179 7. Pension, retirement, or annuity payments.

180 8. Social security benefits.

181 9. Spousal support received from a previous marriage or
182 court ordered in the marriage before the court.

183 10. Interest and dividends.

184 11. Rental income, which is gross receipts minus ordinary
185 and necessary expenses required to produce the income.

186 12. Income from royalties, trusts, or estates.

187 13. Reimbursed expenses or in kind payments to the extent
188 that they reduce living expenses.

189 14. Gains derived from dealings in property, unless the
190 gain is nonrecurring.

191 (b)1. Income on a monthly basis shall be imputed to an
192 unemployed or underemployed parent when such employment or
193 underemployment is found by the court to be voluntary on that
194 parent's part, absent a finding of fact by the court of physical
195 or mental incapacity or other circumstances over which the

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196 parent has no control. In the event of such voluntary
197 unemployment or underemployment, the employment potential and
198 probable earnings level of the parent shall be determined based
199 upon his or her recent work history, occupational
200 qualifications, and prevailing earnings level in the community
201 as provided in this paragraph; however, the court may refuse to
202 impute income to a parent if the court finds it necessary for
203 the parent to stay home with the child who is the subject of a
204 child support calculation.

205 2. In order for the court to impute income beyond minimum
206 wage under subparagraph 1., the court must make specific
207 findings of fact consistent with the requirements of this
208 subparagraph. The party seeking to impute income has the burden
209 to present competent, substantial evidence showing the
210 following:

211 a. That the unemployment or underemployment is voluntary.

212 b. The amount and source of the imputed income, through
213 evidence of income from available employment for which the party
214 is suitably qualified by education, experience, current
215 licensure, or geographic location, with due consideration being
216 given to the parties' time-sharing schedule and their historical
217 exercise of the time-sharing provided in the parenting plan or
218 relevant order.

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

222 a. The parent has a physical or mental incapacity that
223 renders the parent unemployable or underemployed;

224 b. The parent needs to stay home to care for a child who
 225 is the subject of the child support calculation, thereby
 226 preventing the parent's employment or rendering the parent
 227 underemployed; or

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

231
 232 If evidence is produced that demonstrates that the parent is a
 233 resident of another state, that state's minimum wage law shall
 234 apply. In the absence of a state minimum wage, the federal
 235 minimum wage as determined by the United States Department of
 236 Labor shall apply.

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

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

242 b. Income at a level that a party has never earned in the
 243 past, unless recently graduated, licensed, certified,
 244 relicensed, or recertified and thus qualified for, subject to
 245 geographic location, with due consideration of the parties'
 246 existing time-sharing schedule and their historical exercise of
 247 the time-sharing provided in the parenting plan or relevant
 248 order.

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

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251 (3) Net income is obtained by subtracting allowable
252 deductions from gross income. Allowable deductions shall
253 include:

254 (a) Federal, state, and local income tax, which shall be
255 calculated using gross income deductions, adjusted for actual
256 filing status, personal and dependency exemptions, applicable
257 deductions, earned income credits, child and dependent care
258 credits, and other allowable tax credits ~~and allowable~~
259 ~~dependents and income tax liabilities.~~

260 (b) Federal insurance contributions or self-employment
261 tax.

262 (c) Mandatory union dues.

263 (d) Mandatory retirement payments.

264 (e) Health insurance payments, excluding payments for
265 coverage of the minor child.

266 (f) Court-ordered support for other children which is
267 actually paid.

268 (g) Spousal support paid pursuant to a court order from a
269 previous marriage or the marriage before the court.

270 (4) Net income for each parent shall be computed by
271 subtracting allowable deductions from gross income.

272 (5) Net income for each parent shall be added together for
273 a combined net income.

274 (6) The following guidelines schedule shall be applied to
275 the combined net income to determine the minimum child support
276 need:

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Combined Monthly							
	Net Income			Child or Children			
	One	Two	Three	Four	Five	Six	
278	650.00	<u>74</u>	<u>75</u>	<u>75</u>	<u>76</u>	<u>77</u>	<u>78</u>
279							
280							
281	700.00	<u>119</u>	<u>120</u>	<u>121</u>	<u>123</u>	<u>124</u>	<u>125</u>
282							
283	750.00	<u>164</u>	<u>166</u>	<u>167</u>	<u>169</u>	<u>171</u>	<u>173</u>
284							
285	800.00	190	211	213	216	218	220
286							
287	850.00	202	257	259	262	265	268
288							
289	900.00	213	302	305	309	312	315
290							
291	950.00	224	347	351	355	359	363
	1000.00	235	365	397	402	406	410
	1050.00	246	382	443	448	453	458
	1100.00	258	400	489	495	500	505
	1150.00	269	417	522	541	547	553

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292	1200.00	280	435	544	588	594	600
293	1250.00	290	451	565	634	641	648
294	1300.00	300	467	584	659	688	695
295	1350.00	310	482	603	681	735	743
296	1400.00	320	498	623	702	765	790
297	1450.00	330	513	642	724	789	838
298	1500.00	340	529	662	746	813	869
299	1550.00	350	544	681	768	836	895
300	1600.00	360	560	701	790	860	920
301	1650.00	370	575	720	812	884	945
302	1700.00	380	591	740	833	907	971
303	1750.00	390	606	759	855	931	996
304	1800.00	400	622	779	877	955	1022
305	1850.00	410	638	798	900	979	1048

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306	1900.00	421	654	818	923	1004	1074
307	1950.00	431	670	839	946	1029	1101
308	2000.00	442	686	859	968	1054	1128
309	2050.00	452	702	879	991	1079	1154
310	2100.00	463	718	899	1014	1104	1181
311	2150.00	473	734	919	1037	1129	1207
312	2200.00	484	751	940	1060	1154	1234
313	2250.00	494	767	960	1082	1179	1261
314	2300.00	505	783	980	1105	1204	1287
315	2350.00	515	799	1000	1128	1229	1314
316	2400.00	526	815	1020	1151	1254	1340
317	2450.00	536	831	1041	1174	1279	1367
318	2500.00	547	847	1061	1196	1304	1394
319	2550.00	557	864	1081	1219	1329	1420

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320	2600.00	568	880	1101	1242	1354	1447
321	2650.00	578	896	1121	1265	1379	1473
322	2700.00	588	912	1141	1287	1403	1500
323	2750.00	597	927	1160	1308	1426	1524
324	2800.00	607	941	1178	1328	1448	1549
325	2850.00	616	956	1197	1349	1471	1573
326	2900.00	626	971	1215	1370	1494	1598
327	2950.00	635	986	1234	1391	1517	1622
328	3000.00	644	1001	1252	1412	1540	1647
329	3050.00	654	1016	1271	1433	1563	1671
330	3100.00	663	1031	1289	1453	1586	1695
331	3150.00	673	1045	1308	1474	1608	1720
332	3200.00	682	1060	1327	1495	1631	1744
333	3250.00	691	1075	1345	1516	1654	1769

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334	3300.00	701	1090	1364	1537	1677	1793
335	3350.00	710	1105	1382	1558	1700	1818
336	3400.00	720	1120	1401	1579	1723	1842
337	3450.00	729	1135	1419	1599	1745	1867
338	3500.00	738	1149	1438	1620	1768	1891
339	3550.00	748	1164	1456	1641	1791	1915
340	3600.00	757	1179	1475	1662	1814	1940
341	3650.00	767	1194	1493	1683	1837	1964
342	3700.00	776	1208	1503	1702	1857	1987
343	3750.00	784	1221	1520	1721	1878	2009
344	3800.00	793	1234	1536	1740	1899	2031
345	3850.00	802	1248	1553	1759	1920	2053
346	3900.00	811	1261	1570	1778	1940	2075
347	3950.00	819	1275	1587	1797	1961	2097

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348	4000.00	828	1288	1603	1816	1982	2119
349	4050.00	837	1302	1620	1835	2002	2141
350	4100.00	846	1315	1637	1854	2023	2163
351	4150.00	854	1329	1654	1873	2044	2185
352	4200.00	863	1342	1670	1892	2064	2207
353	4250.00	872	1355	1687	1911	2085	2229
354	4300.00	881	1369	1704	1930	2106	2251
355	4350.00	889	1382	1721	1949	2127	2273
356	4400.00	898	1396	1737	1968	2147	2295
357	4450.00	907	1409	1754	1987	2168	2317
358	4500.00	916	1423	1771	2006	2189	2339
359	4550.00	924	1436	1788	2024	2209	2361
360	4600.00	933	1450	1804	2043	2230	2384
361	4650.00	942	1463	1821	2062	2251	2406

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362	4700.00	951	1477	1838	2081	2271	2428
363	4750.00	959	1490	1855	2100	2292	2450
364	4800.00	968	1503	1871	2119	2313	2472
365	4850.00	977	1517	1888	2138	2334	2494
366	4900.00	986	1530	1905	2157	2354	2516
367	4950.00	993	1542	1927	2174	2372	2535
368	5000.00	1000	1551	1939	2188	2387	2551
369	5050.00	1006	1561	1952	2202	2402	2567
370	5100.00	1013	1571	1964	2215	2417	2583
371	5150.00	1019	1580	1976	2229	2432	2599
372	5200.00	1025	1590	1988	2243	2447	2615
373	5250.00	1032	1599	2000	2256	2462	2631
374	5300.00	1038	1609	2012	2270	2477	2647
375	5350.00	1045	1619	2024	2283	2492	2663

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376	5400.00	1051	1628	2037	2297	2507	2679
377	5450.00	1057	1638	2049	2311	2522	2695
378	5500.00	1064	1647	2061	2324	2537	2711
379	5550.00	1070	1657	2073	2338	2552	2727
380	5600.00	1077	1667	2085	2352	2567	2743
381	5650.00	1083	1676	2097	2365	2582	2759
382	5700.00	1089	1686	2109	2379	2597	2775
383	5750.00	1096	1695	2122	2393	2612	2791
384	5800.00	1102	1705	2134	2406	2627	2807
385	5850.00	1107	1713	2144	2418	2639	2820
386	5900.00	1111	1721	2155	2429	2651	2833
387	5950.00	1116	1729	2165	2440	2663	2847
388	6000.00	1121	1737	2175	2451	2676	2860
389	6050.00	1126	1746	2185	2462	2688	2874

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390	6100.00	1131	1754	2196	2473	2700	2887
391	6150.00	1136	1762	2206	2484	2712	2900
392	6200.00	1141	1770	2216	2495	2724	2914
393	6250.00	1145	1778	2227	2506	2737	2927
394	6300.00	1150	1786	2237	2517	2749	2941
395	6350.00	1155	1795	2247	2529	2761	2954
396	6400.00	1160	1803	2258	2540	2773	2967
397	6450.00	1165	1811	2268	2551	2785	2981
398	6500.00	1170	1819	2278	2562	2798	2994
399	6550.00	1175	1827	2288	2573	2810	3008
400	6600.00	1179	1835	2299	2584	2822	3021
401	6650.00	1184	1843	2309	2595	2834	3034
402	6700.00	1189	1850	2317	2604	2845	3045
403	6750.00	1193	1856	2325	2613	2854	3055

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404	6800.00	1196	1862	2332	2621	2863	3064
405	6850.00	1200	1868	2340	2630	2872	3074
406	6900.00	1204	1873	2347	2639	2882	3084
407	6950.00	1208	1879	2355	2647	2891	3094
408	7000.00	1212	1885	2362	2656	2900	3103
409	7050.00	1216	1891	2370	2664	2909	3113
410	7100.00	1220	1897	2378	2673	2919	3123
411	7150.00	1224	1903	2385	2681	2928	3133
412	7200.00	1228	1909	2393	2690	2937	3142
413	7250.00	1232	1915	2400	2698	2946	3152
414	7300.00	1235	1921	2408	2707	2956	3162
415	7350.00	1239	1927	2415	2716	2965	3172
416	7400.00	1243	1933	2423	2724	2974	3181
417	7450.00	1247	1939	2430	2733	2983	3191

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418	7500.00	1251	1945	2438	2741	2993	3201
419	7550.00	1255	1951	2446	2750	3002	3211
420	7600.00	1259	1957	2453	2758	3011	3220
421	7650.00	1263	1963	2461	2767	3020	3230
422	7700.00	1267	1969	2468	2775	3030	3240
423	7750.00	1271	1975	2476	2784	3039	3250
424	7800.00	1274	1981	2483	2792	3048	3259
425	7850.00	1278	1987	2491	2801	3057	3269
426	7900.00	1282	1992	2498	2810	3067	3279
427	7950.00	1286	1998	2506	2818	3076	3289
428	8000.00	1290	2004	2513	2827	3085	3298
429	8050.00	1294	2010	2521	2835	3094	3308
430	8100.00	1298	2016	2529	2844	3104	3318
431	8150.00	1302	2022	2536	2852	3113	3328

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432	8200.00	1306	2028	2544	2861	3122	3337
433	8250.00	1310	2034	2551	2869	3131	3347
434	8300.00	1313	2040	2559	2878	3141	3357
435	8350.00	1317	2046	2566	2887	3150	3367
436	8400.00	1321	2052	2574	2895	3159	3376
437	8450.00	1325	2058	2581	2904	3168	3386
438	8500.00	1329	2064	2589	2912	3178	3396
439	8550.00	1333	2070	2597	2921	3187	3406
440	8600.00	1337	2076	2604	2929	3196	3415
441	8650.00	1341	2082	2612	2938	3205	3425
442	8700.00	1345	2088	2619	2946	3215	3435
443	8750.00	1349	2094	2627	2955	3224	3445
444	8800.00	1352	2100	2634	2963	3233	3454
445	8850.00	1356	2106	2642	2972	3242	3464

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446	8900.00	1360	2111	2649	2981	3252	3474
447	8950.00	1364	2117	2657	2989	3261	3484
448	9000.00	1368	2123	2664	2998	3270	3493
449	9050.00	1372	2129	2672	3006	3279	3503
450	9100.00	1376	2135	2680	3015	3289	3513
451	9150.00	1380	2141	2687	3023	3298	3523
452	9200.00	1384	2147	2695	3032	3307	3532
453	9250.00	1388	2153	2702	3040	3316	3542
454	9300.00	1391	2159	2710	3049	3326	3552
455	9350.00	1395	2165	2717	3058	3335	3562
456	9400.00	1399	2171	2725	3066	3344	3571
457	9450.00	1403	2177	2732	3075	3353	3581
458	9500.00	1407	2183	2740	3083	3363	3591
459	9550.00	1411	2189	2748	3092	3372	3601

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460	9600.00	1415	2195	2755	3100	3381	3610
461	9650.00	1419	2201	2763	3109	3390	3620
462	9700.00	1422	2206	2767	3115	3396	3628
463	9750.00	1425	2210	2772	3121	3402	3634
464	9800.00	1427	2213	2776	3126	3408	3641
465	9850.00	1430	2217	2781	3132	3414	3647
466	9900.00	1432	2221	2786	3137	3420	3653
467	9950.00	1435	2225	2791	3143	3426	3659
468	10000.00	1437	2228	2795	3148	3432	3666

469 For combined monthly net income less than the amount set out on
 470 the above guidelines schedule, the parent should be ordered to
 471 pay a child support amount, determined on a case-by-case basis,
 472 to establish the principle of payment and lay the basis for
 473 increased orders should the parent's income increase in the
 474 future. For combined monthly net income greater than the amount
 475 set out in the above guidelines schedule, the obligation shall
 476 be the minimum amount of support provided by the guidelines
 477 schedule plus the following percentages multiplied by the amount
 478 of income over \$10,000:

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Child or Children

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

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

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

(8) Health insurance costs resulting from coverage ordered pursuant to s. 61.13(1)(b), and any noncovered medical, dental, and prescription medication expenses of the child, shall be added to the basic obligation unless these expenses have been ordered to be separately paid on a percentage basis. After the health insurance costs are added to the basic obligation, any moneys prepaid by a parent for health-related costs for the

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504 child or children of this action shall be deducted from that
505 parent's child support obligation for that child or those
506 children.

507 (9) Each parent's percentage share of the child support
508 need shall be determined by dividing each parent's net monthly
509 income by the combined net monthly income.

510 (10) The total minimum child support need shall be
511 determined by adding child care costs and health insurance costs
512 to the minimum child support need. Each parent's actual dollar
513 share of the total minimum child support need shall be
514 determined by multiplying the minimum child support need by each
515 parent's percentage share of the combined monthly net income.

516 (11) (a) The court may adjust the total minimum child
517 support award, or either or both parents' share of the total
518 minimum child support award, based upon the following deviation
519 factors:

520 1. Extraordinary medical, psychological, educational, or
521 dental expenses.

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

524 3. The payment of support for a parent which regularly has
525 been paid and for which there is a demonstrated need.

526 4. Seasonal variations in one or both parents' incomes or
527 expenses.

528 5. The age of the child, taking into account the greater
529 needs of older children.

530 6. Special needs, such as costs that may be associated
531 with the disability of a child, that have traditionally been met

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532 within the family budget even though the fulfilling of those
533 needs will cause the support to exceed the presumptive amount
534 established by the guidelines.

535 7. Total available assets of the obligee, obligor, and the
536 child.

537 ~~8. The impact of the Internal Revenue Service dependency~~
538 ~~exemption and waiver of that exemption. The court may order a~~
539 ~~parent to execute a waiver of the Internal Revenue Service~~
540 ~~dependency exemption if the paying parent is current in support~~
541 ~~payments.~~

542 8.9. When application of the child support guidelines
543 schedule requires a person to pay another person more than 55
544 percent of his or her gross income for a child support
545 obligation for current support resulting from a single support
546 order or when the application of the child support guidelines
547 leaves a party with a net income that is lower than the current
548 federal poverty guidelines.

549 ~~9.10.~~ The particular parenting plan, such as where the
550 child spends a significant amount of time, but less than 20 ~~40~~
551 percent of the overnights, with one parent, thereby reducing the
552 financial expenditures incurred by the other parent; or the
553 refusal of a parent to become involved in the activities of the
554 child.

555 ~~10.11.~~ Any other adjustment which is needed to achieve an
556 equitable result which may include, but not be limited to, a
557 reasonable and necessary existing expense or debt. Such expense
558 or debt may include, but is not limited to, a reasonable and

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559 necessary expense or debt which the parties jointly incurred
560 during the marriage.

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

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

568 2. Calculate the percentage of overnight stays the child
569 spends with each parent.

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

573 4. The difference between the amounts calculated in
574 subparagraph 3. shall be the monetary transfer necessary between
575 the parents for the care of the child, subject to an adjustment
576 for day care and health insurance expenses.

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

582 6. Adjust the support obligation owed by each parent
583 pursuant to subparagraph 4. by crediting or debiting the amount
584 calculated in subparagraph 5. This amount represents the child
585 support which must be exchanged between the parents.

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

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

598 (c) A parent's failure to regularly exercise the court-
 599 ordered ~~or agreed~~ time-sharing schedule not caused by the other
 600 parent which resulted in the adjustment of the amount of child
 601 support pursuant to subparagraph (a) 9.10. ~~or~~ paragraph (b) shall
 602 be deemed a substantial change of circumstances for purposes of
 603 modifying the child support award. A modification pursuant to
 604 this paragraph shall be retroactive to the date the ~~noncustodial~~
 605 parent first failed to regularly exercise the court-ordered ~~or~~
 606 ~~agreed~~ time-sharing schedule.

607 (12) (a) A parent with a support obligation may have other
 608 children living with him or her who were born or adopted after
 609 the support obligation arose. If such subsequent children exist,
 610 the court, when considering an upward modification of an
 611 existing award, may disregard the income from secondary
 612 employment obtained in addition to the parent's primary
 613 employment if the court determines that the employment was

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614 obtained primarily to support the subsequent children.

615 (b) Except as provided in paragraph (a), the existence of
616 such subsequent children should not as a general rule be
617 considered by the court as a basis for disregarding the amount
618 provided in the guidelines schedule. The parent with a support
619 obligation for subsequent children may raise the existence of
620 such subsequent children as a justification for deviation from
621 the guidelines schedule. However, if the existence of such
622 subsequent children is raised, the income of the other parent of
623 the subsequent children shall be considered by the court in
624 determining whether or not there is a basis for deviation from
625 the guideline amount.

626 (c) The issue of subsequent children under paragraph (a)
627 or paragraph (b) may only be raised in a proceeding for an
628 upward modification of an existing award and may not be applied
629 to justify a decrease in an existing award.

630 (13) If the recurring income is not sufficient to meet the
631 needs of the child, the court may order child support to be paid
632 from nonrecurring income or assets.

633 ~~(14) Every petition for child support or for modification~~
634 ~~of child support shall be accompanied by an affidavit which~~
635 ~~shows the party's income, allowable deductions, and net income~~
636 ~~computed in accordance with this section. The affidavit shall be~~
637 ~~served at the same time that the petition is served. The~~
638 ~~respondent, whether or not a stipulation is entered, shall make~~
639 ~~an affidavit which shows the party's income, allowable~~
640 ~~deductions, and net income computed in accordance with this~~
641 ~~section. The respondent shall include his or her affidavit with~~

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642 ~~the answer to the petition or as soon thereafter as is~~
643 ~~practicable, but in any case at least 72 hours prior to any~~
644 ~~hearing on the finances of either party.~~

645 (14)~~(15)~~ For purposes of establishing an obligation for
646 support in accordance with this section, if a person who is
647 receiving public assistance is found to be noncooperative as
648 defined in s. 409.2572, the IV-D agency is authorized to submit
649 to the court an affidavit attesting to the income of that parent
650 based upon information available to the IV-D agency.

651 (15)~~(16)~~ The Legislature shall review the guidelines
652 schedule established in this section at least every 4 years
653 beginning in 1997.

654 (16)~~(17)~~ In an initial determination of child support,
655 whether in a paternity action, dissolution of marriage action,
656 or petition for support during the marriage, the court has
657 discretion to award child support retroactive to the date when
658 the parents did not reside together in the same household with
659 the child, not to exceed a period of 24 months preceding the
660 filing of the petition, regardless of whether that date precedes
661 the filing of the petition. In determining the retroactive award
662 in such cases, the court shall consider the following:

663 (a) The court shall apply the guidelines schedule in
664 effect at the time of the hearing subject to the obligor's
665 demonstration of his or her actual income, as defined by
666 subsection (2), during the retroactive period. Failure of the
667 obligor to so demonstrate shall result in the court using the
668 obligor's income at the time of the hearing in computing child
669 support for the retroactive period.

670 (b) All actual payments made by a parent to the other
 671 parent or the child or third parties for the benefit of the
 672 child throughout the proposed retroactive period.

673 (c) The court should consider an installment payment plan
 674 for the payment of retroactive child support.

675 (17) The court may, for good cause shown, order the parent
 676 otherwise entitled to the Internal Revenue Service dependency
 677 exemption for a child to execute a waiver of the dependency
 678 exemption.

679 Section 4. Paragraph (g) of subsection (1) and paragraph
 680 (a) of subsection (5) of section 409.2563, Florida Statutes, are
 681 amended to read:

682 409.2563 Administrative establishment of child support
 683 obligations.—

684 (1) DEFINITIONS.—As used in this section, the term:

685 (g) "Retroactive support" means a child support obligation
 686 established pursuant to s. 61.30 (16) ~~(17)~~.

687
 688 Other terms used in this section have the meanings ascribed in
 689 ss. 61.046 and 409.2554.

690 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

691 (a) After serving notice upon a parent in accordance with
 692 subsection (4), the department shall calculate that parent's
 693 child support obligation under the child support guidelines
 694 schedule as provided by s. 61.30, based on any timely financial
 695 affidavits received and other information available to the
 696 department. If either parent fails to comply with the
 697 requirement to furnish a financial affidavit, the department may

698 proceed on the basis of information available from any source,
 699 if such information is sufficiently reliable and detailed to
 700 allow calculation of guideline schedule amounts under s. 61.30.
 701 If a parent receives public assistance and fails to submit a
 702 financial affidavit, the department may submit a financial
 703 affidavit for that parent pursuant to s. 61.30 (14) ~~(15)~~. If there
 704 is a lack of sufficient reliable information concerning a
 705 parent's actual earnings for a current or past period, there
 706 shall be a rebuttable presumption ~~it shall be presumed~~ for the
 707 purpose of establishing a support obligation that the parent had
 708 an earning capacity equal to the Florida ~~federal~~ minimum wage on
 709 a full-time basis during the applicable period, unless evidence
 710 is presented that the parent is a resident of another state, in
 711 which case that state's minimum wage shall apply. In the absence
 712 of a state minimum wage, the federal minimum wage as determined
 713 by the United States Department of Labor shall apply.

714 Section 5. Paragraph (b) of subsection (4) of section
 715 742.031, Florida Statutes, is amended to read:

716 742.031 Hearings; court orders for support, hospital
 717 expenses, and attorney's fee.—

718 (4)

719 (b) The modification of the temporary support order may be
 720 retroactive to the date of the initial entry of the temporary
 721 support order; to the date of filing of the initial petition for
 722 dissolution of marriage, petition for support, petition
 723 determining paternity, or supplemental petition for
 724 modification; or to a date prescribed in s. 61.14(1)(a) or s.
 725 61.30(11)(c) or (16) ~~(17)~~, as applicable.

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726 Section 6. Section 742.08, Florida Statutes, is amended to
727 read:

728 742.08 Default of support payments.—Upon default in
729 payment of any moneys ordered by the court to be paid, the court
730 may enter a judgment for the amount in default, plus interest,
731 administrative costs, filing fees, and other expenses incurred
732 by the clerk of the circuit court which shall be a lien upon all
733 property of the defendant both real and personal. Interest on
734 support judgments shall be enforceable through all of the
735 methods available to enforce the underlying support order,
736 including contempt. Interest shall not accrue on postjudgment
737 interest. Costs and fees shall be assessed only after the court
738 makes a determination of the nonprevailing party's ability to
739 pay such costs and fees. In Title IV-D cases, any costs,
740 including filing fees, recording fees, mediation costs, service
741 of process fees, and other expenses incurred by the clerk of the
742 circuit court, shall be assessed only against the nonprevailing
743 obligor after the court makes a determination of the
744 nonprevailing obligor's ability to pay such costs and fees. The
745 Department of Revenue shall not be considered a party for
746 purposes of this section; however, fees may be assessed against
747 the department pursuant to s. 57.105(1). Willful failure to
748 comply with an order of the court shall be deemed a contempt of
749 the court entering the order and shall be punished as such. The
750 court may require bond of the defendant for the faithful
751 performance of his or her obligation under the order of the
752 court in such amount and upon such conditions as the court shall
753 direct.

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Section 7. This act shall take effect October 1, 2010.