

1 A bill to be entitled
 2 An act relating to child support guidelines; amending s.
 3 61.13, F.S.; requiring all child support orders after a
 4 certain date to contain certain provisions; creating s.
 5 61.29, F.S.; providing principles for implementing the
 6 support guidelines schedule; amending s. 61.30, F.S.;
 7 requiring that census information be used if information
 8 about earnings level in the community is not available;
 9 providing that the burden of proof is on the party seeking
 10 to impute income to the other party; providing for the
 11 calculation of the obligor parent's child support payment
 12 under certain circumstances; revising the deviation
 13 factors that a court may consider when adjusting a
 14 parent's share of the child support award; providing an
 15 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
 24 at any time order either or both parents who owe a duty of
 25 support to a child to pay support to the other parent or, in the
 26 case of both parents, to a third party who has ~~the person with~~
 27 custody in accordance with the child support guidelines schedule
 28 in s. 61.30.

29 1. All child support orders and income deduction orders
 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 are 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
59 child support guidelines schedule:

60 (1) A parent's first and principal obligation is to
61 support 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
67 both parents. Child support may therefore be appropriately used
68 to 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
 88 support.—

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

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

112 1. To impute income to a party in a child support

113 proceeding, the court must:

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

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

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

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

127 Combined

128 Monthly Child or Children
 129 Net

Income	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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133	800.00	190	211	213	216	218	220
134	850.00	202	257	259	262	265	268
135	900.00	213	302	305	309	312	315
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

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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
150	1650.00	370	575	720	812	884	945
151	1700.00	380	591	740	833	907	971
152	1750.00	390	606	759	855	931	996
153	1800.00	400	622	779	877	955	1022
154	1850.00	410	638	798	900	979	1048
155	1900.00	421	654	818	923	1004	1074
156	1950.00	431	670	839	946	1029	1101
157	2000.00	442	686	859	968	1054	1128
158	2050.00	452	702	879	991	1079	1154
159	2100.00	463	718	899	1014	1104	1181
160	2150.00	473	734	919	1037	1129	1207

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161	2200.00	484	751	940	1060	1154	1234
162	2250.00	494	767	960	1082	1179	1261
163	2300.00	505	783	980	1105	1204	1287
164	2350.00	515	799	1000	1128	1229	1314
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

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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
179	3100.00	663	1031	1289	1453	1586	1695
180	3150.00	673	1045	1308	1474	1608	1720
181	3200.00	682	1060	1327	1495	1631	1744
182	3250.00	691	1075	1345	1516	1654	1769
183	3300.00	701	1090	1364	1537	1677	1793
184	3350.00	710	1105	1382	1558	1700	1818
185	3400.00	720	1120	1401	1579	1723	1842
186	3450.00	729	1135	1419	1599	1745	1867
187	3500.00	738	1149	1438	1620	1768	1891
188	3550.00	748	1164	1456	1641	1791	1915

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189	3600.00	757	1179	1475	1662	1814	1940
190	3650.00	767	1194	1493	1683	1837	1964
191	3700.00	776	1208	1503	1702	1857	1987
192	3750.00	784	1221	1520	1721	1878	2009
193	3800.00	793	1234	1536	1740	1899	2031
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

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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
208	4550.00	924	1436	1788	2024	2209	2361
209	4600.00	933	1450	1804	2043	2230	2384
210	4650.00	942	1463	1821	2062	2251	2406
211	4700.00	951	1477	1838	2081	2271	2428
212	4750.00	959	1490	1855	2100	2292	2450
213	4800.00	968	1503	1871	2119	2313	2472
214	4850.00	977	1517	1888	2138	2334	2494
215	4900.00	986	1530	1905	2157	2354	2516
216	4950.00	993	1542	1927	2174	2372	2535

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217	5000.00	1000	1551	1939	2188	2387	2551
218	5050.00	1006	1561	1952	2202	2402	2567
219	5100.00	1013	1571	1964	2215	2417	2583
220	5150.00	1019	1580	1976	2229	2432	2599
221	5200.00	1025	1590	1988	2243	2447	2615
222	5250.00	1032	1599	2000	2256	2462	2631
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

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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
237	6000.00	1121	1737	2175	2451	2676	2860
238	6050.00	1126	1746	2185	2462	2688	2874
239	6100.00	1131	1754	2196	2473	2700	2887
240	6150.00	1136	1762	2206	2484	2712	2900
241	6200.00	1141	1770	2216	2495	2724	2914
242	6250.00	1145	1778	2227	2506	2737	2927
243	6300.00	1150	1786	2237	2517	2749	2941
244	6350.00	1155	1795	2247	2529	2761	2954

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245	6400.00	1160	1803	2258	2540	2773	2967
246	6450.00	1165	1811	2268	2551	2785	2981
247	6500.00	1170	1819	2278	2562	2798	2994
248	6550.00	1175	1827	2288	2573	2810	3008
249	6600.00	1179	1835	2299	2584	2822	3021
250	6650.00	1184	1843	2309	2595	2834	3034
251	6700.00	1189	1850	2317	2604	2845	3045
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

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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
266	7450.00	1247	1939	2430	2733	2983	3191
267	7500.00	1251	1945	2438	2741	2993	3201
268	7550.00	1255	1951	2446	2750	3002	3211
269	7600.00	1259	1957	2453	2758	3011	3220
270	7650.00	1263	1963	2461	2767	3020	3230
271	7700.00	1267	1969	2468	2775	3030	3240
272	7750.00	1271	1975	2476	2784	3039	3250

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273	7800.00	1274	1981	2483	2792	3048	3259
274	7850.00	1278	1987	2491	2801	3057	3269
275	7900.00	1282	1992	2498	2810	3067	3279
276	7950.00	1286	1998	2506	2818	3076	3289
277	8000.00	1290	2004	2513	2827	3085	3298
278	8050.00	1294	2010	2521	2835	3094	3308
279	8100.00	1298	2016	2529	2844	3104	3318
280	8150.00	1302	2022	2536	2852	3113	3328
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

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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
295	8900.00	1360	2111	2649	2981	3252	3474
296	8950.00	1364	2117	2657	2989	3261	3484
297	9000.00	1368	2123	2664	2998	3270	3493
298	9050.00	1372	2129	2672	3006	3279	3503
299	9100.00	1376	2135	2680	3015	3289	3513
300	9150.00	1380	2141	2687	3023	3298	3523

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301	9200.00	1384	2147	2695	3032	3307	3532
302	9250.00	1388	2153	2702	3040	3316	3542
303	9300.00	1391	2159	2710	3049	3326	3552
304	9350.00	1395	2165	2717	3058	3335	3562
305	9400.00	1399	2171	2725	3066	3344	3571
306	9450.00	1403	2177	2732	3075	3353	3581
307	9500.00	1407	2183	2740	3083	3363	3591
308	9550.00	1411	2189	2748	3092	3372	3601
309	9600.00	1415	2195	2755	3100	3381	3610
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

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9900.00	1432	2221	2786	3137	3420	3653
9950.00	1435	2225	2791	3143	3426	3659
10000.00	1437	2228	2795	3148	3432	3666

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

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

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

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

Child or Children

	One	Two	Three	Four	Five	Six
339						
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~~
 343 due to employment, job search, or education calculated to result
 344 in employment or to enhance income of current employment of
 345 either parent ~~shall be reduced by 25 percent and then~~ shall be
 346 added to the basic obligation. After the ~~adjusted~~ child care
 347 costs are added ~~to the basic obligation~~, any moneys prepaid by a
 348 parent for child care costs for the child or children of this
 349 action shall be deducted from that parent's child support
 350 obligation for that child or those children. Child care costs
 351 may ~~shall~~ not exceed the level required to provide quality care
 352 from a 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:

- 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
368 with 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~~
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
391 an 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
 415 adjustment for day care and health insurance expenses.

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

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420 applied 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
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.