

## ENROLLED

CS/HB 907, Engrossed 2

2010 Legislature

1                   A bill to be entitled  
2           An act relating to child support and alimony; amending s.  
3           61.08, F.S.; allowing for award of more than one type of  
4           alimony; revising factors to be considered in whether to  
5           award alimony or maintenance; providing rebuttable  
6           presumptions for the classification of the length of  
7           marriages; providing for the determination of the length  
8           of a marriage; providing for award of bridge-the-gap  
9           alimony for a limited period; providing that such an award  
10          is not modifiable; providing for award of rehabilitative  
11          alimony in certain circumstances; providing for  
12          modification or termination of such an award; providing  
13          for award of durational alimony in certain circumstances;  
14          providing for modification or termination of such an  
15          award; providing for award of permanent alimony in certain  
16          circumstances; providing for modification or termination  
17          of such an award; providing applicability; amending s.  
18          61.13, F.S.; requiring all child support orders after a  
19          certain date to contain certain provisions; creating s.  
20          61.29, F.S.; providing principles for implementing the  
21          support guidelines schedule; amending s. 61.30, F.S.;  
22          creating a rebuttable presumption of census-level wages if  
23          information about earnings level is not provided;  
24          providing that the burden of proof is on the party seeking  
25          to impute income to the other party; prohibiting  
26          imputation of income for out-of-date records or  
27          unprecedented earnings; removing the first three combined  
28          monthly net income amounts on the guidelines schedule;

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29 providing for the calculation of the obligor parent's  
 30 child support payment under certain circumstances;  
 31 revising the deviation factors that a court may consider  
 32 when adjusting a parent's share of the child support  
 33 award; providing an effective date.

34  
 35 Be It Enacted by the Legislature of the State of Florida:

36  
 37 Section 1. Section 61.08, Florida Statutes, is amended to  
 38 read:

39 61.08 Alimony.—

40 (1) In a proceeding for dissolution of marriage, the court  
 41 may grant alimony to either party, which alimony may be bridge-  
 42 the-gap, rehabilitative, durational, or permanent in nature or  
 43 any combination of these forms of alimony. In any award of  
 44 alimony, the court may order periodic payments or payments in  
 45 lump sum or both. The court may consider the adultery of either  
 46 spouse and the circumstances thereof in determining the amount  
 47 of alimony, if any, to be awarded. In all dissolution actions,  
 48 the court shall include findings of fact relative to the factors  
 49 enumerated in subsection (2) supporting an award or denial of  
 50 alimony.

51 (2) In determining whether to ~~a proper~~ award ~~of~~ alimony or  
 52 maintenance, the court shall first make a specific factual  
 53 determination as to whether either party has an actual need for  
 54 alimony or maintenance and whether either party has the ability  
 55 to pay alimony or maintenance. If the court finds that a party  
 56 has a need for alimony or maintenance and that the other party

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57 | has the ability to pay alimony or maintenance, then in  
 58 | determining the proper type and amount of alimony or  
 59 | maintenance, the court shall consider all relevant ~~economic~~  
 60 | factors, including, but not limited to:  
 61 |       (a) The standard of living established during the  
 62 | marriage.  
 63 |       (b) The duration of the marriage.  
 64 |       (c) The age and the physical and emotional condition of  
 65 | each party.  
 66 |       (d) The financial resources of each party, including the  
 67 | nonmarital and the marital assets and liabilities distributed to  
 68 | each.  
 69 |       (e) The earning capacities, educational levels, vocational  
 70 | skills, and employability of the parties and, when applicable,  
 71 | the time necessary for either party to acquire sufficient  
 72 | education or training to enable such party to find appropriate  
 73 | employment.  
 74 |       (f) The contribution of each party to the marriage,  
 75 | including, but not limited to, services rendered in homemaking,  
 76 | child care, education, and career building of the other party.  
 77 |       (g) The responsibilities each party will have with regard  
 78 | to any minor children they have in common.  
 79 |       (h) The tax treatment and consequences to both parties of  
 80 | any alimony award, including the designation of all or a portion  
 81 | of the payment as a nontaxable, nondeductible payment.  
 82 |       (i) ~~(g)~~ All sources of income available to either party,  
 83 | including income available to either party through investments  
 84 | of any asset held by that party.

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85        ~~(j) The court may consider~~ Any other factor necessary to  
 86 do equity and justice between the parties.

87        (3) To the extent necessary to protect an award of  
 88 alimony, the court may order any party who is ordered to pay  
 89 alimony to purchase or maintain a life insurance policy or a  
 90 bond, or to otherwise secure such alimony award with any other  
 91 assets which may be suitable for that purpose.

92        (4) For purposes of determining alimony, there is a  
 93 rebuttable presumption that a short-term marriage is a marriage  
 94 having a duration of less than 7 years, a moderate-term marriage  
 95 is a marriage having a duration of greater than 7 years but less  
 96 than 17 years, and long-term marriage is a marriage having a  
 97 duration of 17 years or greater. The length of a marriage is the  
 98 period of time from the date of marriage until the date of  
 99 filing of an action for dissolution of marriage.

100        (5) Bridge-the-gap alimony may be awarded to assist a  
 101 party by providing support to allow the party to make a  
 102 transition from being married to being single. Bridge-the-gap  
 103 alimony is designed to assist a party with legitimate  
 104 identifiable short-term needs, and the length of an award may  
 105 not exceed 2 years. An award of bridge-the-gap alimony  
 106 terminates upon the death of either party or upon the remarriage  
 107 of the party receiving alimony. An award of bridge-the-gap  
 108 alimony shall not be modifiable in amount or duration.

109        (6) (a) Rehabilitative alimony may be awarded to assist a  
 110 party in establishing the capacity for self-support through  
 111 either:

112        1. The redevelopment of previous skills or credentials; or

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113           2. The acquisition of education, training, or work  
 114 experience necessary to develop appropriate employment skills or  
 115 credentials.

116           (b) In order to award rehabilitative alimony, there must  
 117 be a specific and defined rehabilitative plan which shall be  
 118 included as a part of any order awarding rehabilitative alimony.

119           (c) An award of rehabilitative alimony may be modified or  
 120 terminated in accordance with s. 61.14 based upon a substantial  
 121 change in circumstances, upon noncompliance with the  
 122 rehabilitative plan, or upon completion of the rehabilitative  
 123 plan.

124           (7) Durational alimony may be awarded when permanent  
 125 periodic alimony is inappropriate. The purpose of durational  
 126 alimony is to provide a party with economic assistance for a set  
 127 period of time following a marriage of short or moderate  
 128 duration. An award of durational alimony terminates upon the  
 129 death of either party or upon the remarriage of the party  
 130 receiving alimony. The amount of an award of durational alimony  
 131 may be modified or terminated based upon a substantial change in  
 132 circumstances in accordance with s. 61.14. However, the length  
 133 of an award of durational alimony may not be modified except  
 134 under exceptional circumstances and may not exceed the length of  
 135 the marriage.

136           (8) Permanent alimony may be awarded to provide for the  
 137 needs and necessities of life as they were established during  
 138 the marriage of the parties for a party who lacks the financial  
 139 ability to meet his or her needs and necessities of life  
 140 following a dissolution of marriage. Permanent alimony may be

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141 awarded following a marriage of long duration, following a  
142 marriage of moderate duration if such an award is appropriate  
143 upon consideration of the factors set forth in subsection (2),  
144 or following a marriage of short duration if there are  
145 exceptional circumstances. An award of permanent alimony  
146 terminates upon the death of either party or upon the remarriage  
147 of the party receiving alimony. An award may be modified or  
148 terminated based upon a substantial change in circumstances or  
149 upon the existence of a supportive relationship in accordance  
150 with s. 61.14.

151 (9)~~(4)~~(a) With respect to any order requiring the payment  
152 of alimony entered on or after January 1, 1985, unless the  
153 provisions of paragraph (c) or paragraph (d) apply, the court  
154 shall direct in the order that the payments of alimony be made  
155 through the appropriate depository as provided in s. 61.181.

156 (b) With respect to any order requiring the payment of  
157 alimony entered before January 1, 1985, upon the subsequent  
158 appearance, on or after that date, of one or both parties before  
159 the court having jurisdiction for the purpose of modifying or  
160 enforcing the order or in any other proceeding related to the  
161 order, or upon the application of either party, unless the  
162 provisions of paragraph (c) or paragraph (d) apply, the court  
163 shall modify the terms of the order as necessary to direct that  
164 payments of alimony be made through the appropriate depository  
165 as provided in s. 61.181.

166 (c) If there is no minor child, alimony payments need not  
167 be directed through the depository.

168 (d)1. If there is a minor child of the parties and both

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169 parties so request, the court may order that alimony payments  
170 need not be directed through the depository. In this case, the  
171 order of support shall provide, or be deemed to provide, that  
172 either party may subsequently apply to the depository to require  
173 that payments be made through the depository. The court shall  
174 provide a copy of the order to the depository.

175 2. If the provisions of subparagraph 1. apply, either  
176 party may subsequently file with the depository an affidavit  
177 alleging default or arrearages in payment and stating that the  
178 party wishes to initiate participation in the depository  
179 program. The party shall provide copies of the affidavit to the  
180 court and the other party or parties. Fifteen days after receipt  
181 of the affidavit, the depository shall notify all parties that  
182 future payments shall be directed to the depository.

183 3. In IV-D cases, the IV-D agency shall have the same  
184 rights as the obligee in requesting that payments be made  
185 through the depository.

186 Section 2. The amendments to s. 61.08, Florida Statutes,  
187 by this act apply to all initial awards of alimony entered after  
188 July 1, 2010, and modifications of such awards. Such amendments  
189 may not serve as a basis to modify awards entered before July 1,  
190 2010, or as a basis to change amounts or duration of awards  
191 existing before July 1, 2010. The amendments to s. 61.08,  
192 Florida Statutes, by this act are applicable to all cases  
193 pending on or filed after July 1, 2010.

194 Section 3. Effective October 1, 2010, paragraph (a) of  
195 61.13, Florida Statutes, is amended to read:

196 61.13 Support of children; parenting and time-sharing;

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197 powers of court.-

198 (1) (a) In a proceeding under this chapter, the court may  
 199 at any time order either or both parents who owe a duty of  
 200 support to a child to pay support to the other parent or, in the  
 201 case of both parents, to a third party who has ~~the person with~~  
 202 custody in accordance with the child support guidelines schedule  
 203 in s. 61.30.

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

206 a. For child support to terminate on a child's 18th  
 207 birthday unless the court finds or previously found that s.  
 208 743.07(2) applies, or is otherwise agreed to by the parties;

209 b. A schedule, based on the record existing at the time of  
 210 the order, stating the amount of the monthly child support  
 211 obligation for all the minor children at the time of the order  
 212 and the amount of child support that will be owed for any  
 213 remaining children after one or more of the children are no  
 214 longer entitled to receive child support; and

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

217 2. The court initially entering an order requiring one or  
 218 both parents to make child support payments has continuing  
 219 jurisdiction after the entry of the initial order to modify the  
 220 amount and terms and conditions of the child support payments if  
 221 ~~when~~ the modification is found ~~necessary~~ by the court to be in  
 222 the best interests of the child; if ~~when~~ the child reaches  
 223 majority; if ~~when~~ there is a substantial change in the  
 224 circumstances of the parties; if ~~when~~ s. 743.07(2) applies; if or



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225 when a child is emancipated, marries, joins the armed services,  
 226 or dies. The court initially entering a child support order has  
 227 continuing jurisdiction to require the obligee to report to the  
 228 court on terms prescribed by the court regarding the disposition  
 229 of the child support payments.

230 Section 4. Section 61.29, Florida Statutes, is created to  
 231 read:

232 61.29 Child support guidelines; principles.-The following  
 233 principles establish the public policy of the State of Florida  
 234 in the creation of the child support guidelines:

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

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

241 (3) The guidelines encourage fair and efficient settlement  
 242 of support issues between parents and minimizes the need for  
 243 litigation.

244 Section 5. Paragraph (b) of subsection (2) and subsections  
 245 (6), (7), and (11) of section 61.30, Florida Statutes, are  
 246 amended to read:

247 61.30 Child support guidelines; retroactive child  
 248 support.-

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

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

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253 ~~employment~~ or underemployment is found by the court to be  
254 voluntary on that parent's part, absent a finding of fact by the  
255 court of physical or mental incapacity or other circumstances  
256 over which the parent has no control. In the event of such  
257 voluntary unemployment or underemployment, the employment  
258 potential and probable earnings level of the parent shall be  
259 determined based upon his or her recent work history,  
260 occupational qualifications, and prevailing earnings level in  
261 the community if such information is available. If the  
262 information concerning a parent's income is unavailable, a  
263 parent fails to participate in a child support proceeding, or a  
264 parent fails to supply adequate financial information in a child  
265 support proceeding, income shall be automatically imputed to the  
266 parent and there is a rebuttable presumption that the parent has  
267 income equivalent to the median income of year-round full-time  
268 workers as derived from current population reports or  
269 replacement reports published by the United States Bureau of the  
270 Census. ~~as provided in this paragraph;~~ However, the court may  
271 refuse to impute income to a parent if the court finds it  
272 necessary for that ~~the~~ parent to stay home with the child who is  
273 the subject of a child support calculation or as set forth  
274 below:-

275 1. In order for the court to impute income at an amount  
276 other than the median income of year-round full-time workers as  
277 derived from current population reports or replacement reports  
278 published by the United States Bureau of the Census, the court  
279 must make specific findings of fact consistent with the  
280 requirements of this paragraph. The party seeking to impute

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281 income has the burden to present competent, substantial evidence  
 282 that:

283 a. The unemployment or underemployment is voluntary; and  
 284 b. Identifies the amount and source of the imputed income,  
 285 through evidence of income from available employment for which  
 286 the party is suitably qualified by education, experience,  
 287 current licensure, or geographic location, with due  
 288 consideration being given to the parties' time-sharing schedule  
 289 and their historical exercise of the time-sharing provided in  
 290 the parenting plan or relevant order.

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

293 a. Income records that are more than 5 years old at the  
 294 time of the hearing or trial at which imputation is sought; or  
 295 b. Income at a level that a party has never earned in the  
 296 past, unless recently degreed, licensed, certified, relicensed,  
 297 or recertified and thus qualified for, subject to geographic  
 298 location, with due consideration of the parties' existing time-  
 299 sharing schedule and their historical exercise of the time-  
 300 sharing provided in the parenting plan or relevant order.

301 (6) The following guidelines schedule shall be applied to  
 302 the combined net income to determine the minimum child support  
 303 need:

304

|          |                   |
|----------|-------------------|
| Combined |                   |
| 305      |                   |
| Monthly  | Child or Children |

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|     | Net               |     |                |                |                |                |                |
|-----|-------------------|-----|----------------|----------------|----------------|----------------|----------------|
|     | Income            | One | Two            | Three          | Four           | Five           | Six            |
| 306 | <del>650.00</del> |     | <del>74</del>  | <del>75</del>  | <del>75</del>  | <del>76</del>  | <del>77</del>  |
| 307 |                   |     |                |                |                |                | <del>78</del>  |
| 308 | <del>700.00</del> |     | <del>119</del> | <del>120</del> | <del>121</del> | <del>123</del> | <del>125</del> |
| 309 |                   |     |                |                |                |                |                |
| 310 | <del>750.00</del> |     | <del>164</del> | <del>166</del> | <del>167</del> | <del>169</del> | <del>173</del> |
| 311 |                   |     |                |                |                |                |                |
| 312 | 850.00            |     | 202            | 257            | 259            | 262            | 268            |
| 313 |                   |     |                |                |                |                |                |
| 314 | 900.00            |     | 213            | 302            | 305            | 309            | 315            |
| 315 |                   |     |                |                |                |                |                |
| 316 | 950.00            |     | 224            | 347            | 351            | 355            | 363            |
| 317 |                   |     |                |                |                |                |                |
| 318 | 1000.00           |     | 235            | 365            | 397            | 402            | 410            |
| 319 |                   |     |                |                |                |                |                |
|     | 1050.00           |     | 246            | 382            | 443            | 448            | 458            |
|     |                   |     |                |                |                |                |                |
|     | 1100.00           |     | 258            | 400            | 489            | 495            | 505            |
|     |                   |     |                |                |                |                |                |
|     | 1150.00           |     | 269            | 417            | 522            | 541            | 553            |
|     |                   |     |                |                |                |                |                |
|     | 1200.00           |     | 280            | 435            | 544            | 588            | 600            |
|     |                   |     |                |                |                |                |                |
|     | 1250.00           |     | 290            | 451            | 565            | 634            | 648            |

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| 320 | 1300.00 | 300 | 467 | 584 | 659 | 688  | 695  |
| 321 | 1350.00 | 310 | 482 | 603 | 681 | 735  | 743  |
| 322 | 1400.00 | 320 | 498 | 623 | 702 | 765  | 790  |
| 323 | 1450.00 | 330 | 513 | 642 | 724 | 789  | 838  |
| 324 | 1500.00 | 340 | 529 | 662 | 746 | 813  | 869  |
| 325 | 1550.00 | 350 | 544 | 681 | 768 | 836  | 895  |
| 326 | 1600.00 | 360 | 560 | 701 | 790 | 860  | 920  |
| 327 | 1650.00 | 370 | 575 | 720 | 812 | 884  | 945  |
| 328 | 1700.00 | 380 | 591 | 740 | 833 | 907  | 971  |
| 329 | 1750.00 | 390 | 606 | 759 | 855 | 931  | 996  |
| 330 | 1800.00 | 400 | 622 | 779 | 877 | 955  | 1022 |
| 331 | 1850.00 | 410 | 638 | 798 | 900 | 979  | 1048 |
| 332 | 1900.00 | 421 | 654 | 818 | 923 | 1004 | 1074 |
| 333 | 1950.00 | 431 | 670 | 839 | 946 | 1029 | 1101 |

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| 334 | 2000.00 | 442 | 686 | 859  | 968  | 1054 | 1128 |
| 335 | 2050.00 | 452 | 702 | 879  | 991  | 1079 | 1154 |
| 336 | 2100.00 | 463 | 718 | 899  | 1014 | 1104 | 1181 |
| 337 | 2150.00 | 473 | 734 | 919  | 1037 | 1129 | 1207 |
| 338 | 2200.00 | 484 | 751 | 940  | 1060 | 1154 | 1234 |
| 339 | 2250.00 | 494 | 767 | 960  | 1082 | 1179 | 1261 |
| 340 | 2300.00 | 505 | 783 | 980  | 1105 | 1204 | 1287 |
| 341 | 2350.00 | 515 | 799 | 1000 | 1128 | 1229 | 1314 |
| 342 | 2400.00 | 526 | 815 | 1020 | 1151 | 1254 | 1340 |
| 343 | 2450.00 | 536 | 831 | 1041 | 1174 | 1279 | 1367 |
| 344 | 2500.00 | 547 | 847 | 1061 | 1196 | 1304 | 1394 |
| 345 | 2550.00 | 557 | 864 | 1081 | 1219 | 1329 | 1420 |
| 346 | 2600.00 | 568 | 880 | 1101 | 1242 | 1354 | 1447 |
| 347 | 2650.00 | 578 | 896 | 1121 | 1265 | 1379 | 1473 |

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| 348 | 2700.00 | 588 | 912  | 1141 | 1287 | 1403 | 1500 |
| 349 | 2750.00 | 597 | 927  | 1160 | 1308 | 1426 | 1524 |
| 350 | 2800.00 | 607 | 941  | 1178 | 1328 | 1448 | 1549 |
| 351 | 2850.00 | 616 | 956  | 1197 | 1349 | 1471 | 1573 |
| 352 | 2900.00 | 626 | 971  | 1215 | 1370 | 1494 | 1598 |
| 353 | 2950.00 | 635 | 986  | 1234 | 1391 | 1517 | 1622 |
| 354 | 3000.00 | 644 | 1001 | 1252 | 1412 | 1540 | 1647 |
| 355 | 3050.00 | 654 | 1016 | 1271 | 1433 | 1563 | 1671 |
| 356 | 3100.00 | 663 | 1031 | 1289 | 1453 | 1586 | 1695 |
| 357 | 3150.00 | 673 | 1045 | 1308 | 1474 | 1608 | 1720 |
| 358 | 3200.00 | 682 | 1060 | 1327 | 1495 | 1631 | 1744 |
| 359 | 3250.00 | 691 | 1075 | 1345 | 1516 | 1654 | 1769 |
| 360 | 3300.00 | 701 | 1090 | 1364 | 1537 | 1677 | 1793 |
| 361 | 3350.00 | 710 | 1105 | 1382 | 1558 | 1700 | 1818 |

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| 362 | 3400.00 | 720 | 1120 | 1401 | 1579 | 1723 | 1842 |
| 363 | 3450.00 | 729 | 1135 | 1419 | 1599 | 1745 | 1867 |
| 364 | 3500.00 | 738 | 1149 | 1438 | 1620 | 1768 | 1891 |
| 365 | 3550.00 | 748 | 1164 | 1456 | 1641 | 1791 | 1915 |
| 366 | 3600.00 | 757 | 1179 | 1475 | 1662 | 1814 | 1940 |
| 367 | 3650.00 | 767 | 1194 | 1493 | 1683 | 1837 | 1964 |
| 368 | 3700.00 | 776 | 1208 | 1503 | 1702 | 1857 | 1987 |
| 369 | 3750.00 | 784 | 1221 | 1520 | 1721 | 1878 | 2009 |
| 370 | 3800.00 | 793 | 1234 | 1536 | 1740 | 1899 | 2031 |
| 371 | 3850.00 | 802 | 1248 | 1553 | 1759 | 1920 | 2053 |
| 372 | 3900.00 | 811 | 1261 | 1570 | 1778 | 1940 | 2075 |
| 373 | 3950.00 | 819 | 1275 | 1587 | 1797 | 1961 | 2097 |
| 374 | 4000.00 | 828 | 1288 | 1603 | 1816 | 1982 | 2119 |
| 375 | 4050.00 | 837 | 1302 | 1620 | 1835 | 2002 | 2141 |



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| 376 | 4100.00 | 846 | 1315 | 1637 | 1854 | 2023 | 2163 |
| 377 | 4150.00 | 854 | 1329 | 1654 | 1873 | 2044 | 2185 |
| 378 | 4200.00 | 863 | 1342 | 1670 | 1892 | 2064 | 2207 |
| 379 | 4250.00 | 872 | 1355 | 1687 | 1911 | 2085 | 2229 |
| 380 | 4300.00 | 881 | 1369 | 1704 | 1930 | 2106 | 2251 |
| 381 | 4350.00 | 889 | 1382 | 1721 | 1949 | 2127 | 2273 |
| 382 | 4400.00 | 898 | 1396 | 1737 | 1968 | 2147 | 2295 |
| 383 | 4450.00 | 907 | 1409 | 1754 | 1987 | 2168 | 2317 |
| 384 | 4500.00 | 916 | 1423 | 1771 | 2006 | 2189 | 2339 |
| 385 | 4550.00 | 924 | 1436 | 1788 | 2024 | 2209 | 2361 |
| 386 | 4600.00 | 933 | 1450 | 1804 | 2043 | 2230 | 2384 |
| 387 | 4650.00 | 942 | 1463 | 1821 | 2062 | 2251 | 2406 |
| 388 | 4700.00 | 951 | 1477 | 1838 | 2081 | 2271 | 2428 |
| 389 | 4750.00 | 959 | 1490 | 1855 | 2100 | 2292 | 2450 |

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| 390 | 4800.00 | 968  | 1503 | 1871 | 2119 | 2313 | 2472 |
| 391 | 4850.00 | 977  | 1517 | 1888 | 2138 | 2334 | 2494 |
| 392 | 4900.00 | 986  | 1530 | 1905 | 2157 | 2354 | 2516 |
| 393 | 4950.00 | 993  | 1542 | 1927 | 2174 | 2372 | 2535 |
| 394 | 5000.00 | 1000 | 1551 | 1939 | 2188 | 2387 | 2551 |
| 395 | 5050.00 | 1006 | 1561 | 1952 | 2202 | 2402 | 2567 |
| 396 | 5100.00 | 1013 | 1571 | 1964 | 2215 | 2417 | 2583 |
| 397 | 5150.00 | 1019 | 1580 | 1976 | 2229 | 2432 | 2599 |
| 398 | 5200.00 | 1025 | 1590 | 1988 | 2243 | 2447 | 2615 |
| 399 | 5250.00 | 1032 | 1599 | 2000 | 2256 | 2462 | 2631 |
| 400 | 5300.00 | 1038 | 1609 | 2012 | 2270 | 2477 | 2647 |
| 401 | 5350.00 | 1045 | 1619 | 2024 | 2283 | 2492 | 2663 |
| 402 | 5400.00 | 1051 | 1628 | 2037 | 2297 | 2507 | 2679 |
| 403 | 5450.00 | 1057 | 1638 | 2049 | 2311 | 2522 | 2695 |

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|-----|---------|------|------|------|------|------|------|
| 404 | 5500.00 | 1064 | 1647 | 2061 | 2324 | 2537 | 2711 |
| 405 | 5550.00 | 1070 | 1657 | 2073 | 2338 | 2552 | 2727 |
| 406 | 5600.00 | 1077 | 1667 | 2085 | 2352 | 2567 | 2743 |
| 407 | 5650.00 | 1083 | 1676 | 2097 | 2365 | 2582 | 2759 |
| 408 | 5700.00 | 1089 | 1686 | 2109 | 2379 | 2597 | 2775 |
| 409 | 5750.00 | 1096 | 1695 | 2122 | 2393 | 2612 | 2791 |
| 410 | 5800.00 | 1102 | 1705 | 2134 | 2406 | 2627 | 2807 |
| 411 | 5850.00 | 1107 | 1713 | 2144 | 2418 | 2639 | 2820 |
| 412 | 5900.00 | 1111 | 1721 | 2155 | 2429 | 2651 | 2833 |
| 413 | 5950.00 | 1116 | 1729 | 2165 | 2440 | 2663 | 2847 |
| 414 | 6000.00 | 1121 | 1737 | 2175 | 2451 | 2676 | 2860 |
| 415 | 6050.00 | 1126 | 1746 | 2185 | 2462 | 2688 | 2874 |
| 416 | 6100.00 | 1131 | 1754 | 2196 | 2473 | 2700 | 2887 |
| 417 | 6150.00 | 1136 | 1762 | 2206 | 2484 | 2712 | 2900 |

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|-----|---------|------|------|------|------|------|------|
| 418 | 6200.00 | 1141 | 1770 | 2216 | 2495 | 2724 | 2914 |
| 419 | 6250.00 | 1145 | 1778 | 2227 | 2506 | 2737 | 2927 |
| 420 | 6300.00 | 1150 | 1786 | 2237 | 2517 | 2749 | 2941 |
| 421 | 6350.00 | 1155 | 1795 | 2247 | 2529 | 2761 | 2954 |
| 422 | 6400.00 | 1160 | 1803 | 2258 | 2540 | 2773 | 2967 |
| 423 | 6450.00 | 1165 | 1811 | 2268 | 2551 | 2785 | 2981 |
| 424 | 6500.00 | 1170 | 1819 | 2278 | 2562 | 2798 | 2994 |
| 425 | 6550.00 | 1175 | 1827 | 2288 | 2573 | 2810 | 3008 |
| 426 | 6600.00 | 1179 | 1835 | 2299 | 2584 | 2822 | 3021 |
| 427 | 6650.00 | 1184 | 1843 | 2309 | 2595 | 2834 | 3034 |
| 428 | 6700.00 | 1189 | 1850 | 2317 | 2604 | 2845 | 3045 |
| 429 | 6750.00 | 1193 | 1856 | 2325 | 2613 | 2854 | 3055 |
| 430 | 6800.00 | 1196 | 1862 | 2332 | 2621 | 2863 | 3064 |
| 431 | 6850.00 | 1200 | 1868 | 2340 | 2630 | 2872 | 3074 |

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|-----|---------|------|------|------|------|------|------|
| 432 | 6900.00 | 1204 | 1873 | 2347 | 2639 | 2882 | 3084 |
| 433 | 6950.00 | 1208 | 1879 | 2355 | 2647 | 2891 | 3094 |
| 434 | 7000.00 | 1212 | 1885 | 2362 | 2656 | 2900 | 3103 |
| 435 | 7050.00 | 1216 | 1891 | 2370 | 2664 | 2909 | 3113 |
| 436 | 7100.00 | 1220 | 1897 | 2378 | 2673 | 2919 | 3123 |
| 437 | 7150.00 | 1224 | 1903 | 2385 | 2681 | 2928 | 3133 |
| 438 | 7200.00 | 1228 | 1909 | 2393 | 2690 | 2937 | 3142 |
| 439 | 7250.00 | 1232 | 1915 | 2400 | 2698 | 2946 | 3152 |
| 440 | 7300.00 | 1235 | 1921 | 2408 | 2707 | 2956 | 3162 |
| 441 | 7350.00 | 1239 | 1927 | 2415 | 2716 | 2965 | 3172 |
| 442 | 7400.00 | 1243 | 1933 | 2423 | 2724 | 2974 | 3181 |
| 443 | 7450.00 | 1247 | 1939 | 2430 | 2733 | 2983 | 3191 |
| 444 | 7500.00 | 1251 | 1945 | 2438 | 2741 | 2993 | 3201 |
| 445 | 7550.00 | 1255 | 1951 | 2446 | 2750 | 3002 | 3211 |

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|-----|---------|------|------|------|------|------|------|
| 446 | 7600.00 | 1259 | 1957 | 2453 | 2758 | 3011 | 3220 |
| 447 | 7650.00 | 1263 | 1963 | 2461 | 2767 | 3020 | 3230 |
| 448 | 7700.00 | 1267 | 1969 | 2468 | 2775 | 3030 | 3240 |
| 449 | 7750.00 | 1271 | 1975 | 2476 | 2784 | 3039 | 3250 |
| 450 | 7800.00 | 1274 | 1981 | 2483 | 2792 | 3048 | 3259 |
| 451 | 7850.00 | 1278 | 1987 | 2491 | 2801 | 3057 | 3269 |
| 452 | 7900.00 | 1282 | 1992 | 2498 | 2810 | 3067 | 3279 |
| 453 | 7950.00 | 1286 | 1998 | 2506 | 2818 | 3076 | 3289 |
| 454 | 8000.00 | 1290 | 2004 | 2513 | 2827 | 3085 | 3298 |
| 455 | 8050.00 | 1294 | 2010 | 2521 | 2835 | 3094 | 3308 |
| 456 | 8100.00 | 1298 | 2016 | 2529 | 2844 | 3104 | 3318 |
| 457 | 8150.00 | 1302 | 2022 | 2536 | 2852 | 3113 | 3328 |
| 458 | 8200.00 | 1306 | 2028 | 2544 | 2861 | 3122 | 3337 |
| 459 | 8250.00 | 1310 | 2034 | 2551 | 2869 | 3131 | 3347 |

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|-----|---------|------|------|------|------|------|------|
| 460 | 8300.00 | 1313 | 2040 | 2559 | 2878 | 3141 | 3357 |
| 461 | 8350.00 | 1317 | 2046 | 2566 | 2887 | 3150 | 3367 |
| 462 | 8400.00 | 1321 | 2052 | 2574 | 2895 | 3159 | 3376 |
| 463 | 8450.00 | 1325 | 2058 | 2581 | 2904 | 3168 | 3386 |
| 464 | 8500.00 | 1329 | 2064 | 2589 | 2912 | 3178 | 3396 |
| 465 | 8550.00 | 1333 | 2070 | 2597 | 2921 | 3187 | 3406 |
| 466 | 8600.00 | 1337 | 2076 | 2604 | 2929 | 3196 | 3415 |
| 467 | 8650.00 | 1341 | 2082 | 2612 | 2938 | 3205 | 3425 |
| 468 | 8700.00 | 1345 | 2088 | 2619 | 2946 | 3215 | 3435 |
| 469 | 8750.00 | 1349 | 2094 | 2627 | 2955 | 3224 | 3445 |
| 470 | 8800.00 | 1352 | 2100 | 2634 | 2963 | 3233 | 3454 |
| 471 | 8850.00 | 1356 | 2106 | 2642 | 2972 | 3242 | 3464 |
| 472 | 8900.00 | 1360 | 2111 | 2649 | 2981 | 3252 | 3474 |
| 473 | 8950.00 | 1364 | 2117 | 2657 | 2989 | 3261 | 3484 |

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|-----|---------|------|------|------|------|------|------|
| 474 | 9000.00 | 1368 | 2123 | 2664 | 2998 | 3270 | 3493 |
| 475 | 9050.00 | 1372 | 2129 | 2672 | 3006 | 3279 | 3503 |
| 476 | 9100.00 | 1376 | 2135 | 2680 | 3015 | 3289 | 3513 |
| 477 | 9150.00 | 1380 | 2141 | 2687 | 3023 | 3298 | 3523 |
| 478 | 9200.00 | 1384 | 2147 | 2695 | 3032 | 3307 | 3532 |
| 479 | 9250.00 | 1388 | 2153 | 2702 | 3040 | 3316 | 3542 |
| 480 | 9300.00 | 1391 | 2159 | 2710 | 3049 | 3326 | 3552 |
| 481 | 9350.00 | 1395 | 2165 | 2717 | 3058 | 3335 | 3562 |
| 482 | 9400.00 | 1399 | 2171 | 2725 | 3066 | 3344 | 3571 |
| 483 | 9450.00 | 1403 | 2177 | 2732 | 3075 | 3353 | 3581 |
| 484 | 9500.00 | 1407 | 2183 | 2740 | 3083 | 3363 | 3591 |
| 485 | 9550.00 | 1411 | 2189 | 2748 | 3092 | 3372 | 3601 |
| 486 | 9600.00 | 1415 | 2195 | 2755 | 3100 | 3381 | 3610 |
| 487 | 9650.00 | 1419 | 2201 | 2763 | 3109 | 3390 | 3620 |



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|-----|----------|------|------|------|------|------|------|
| 488 | 9700.00  | 1422 | 2206 | 2767 | 3115 | 3396 | 3628 |
| 489 | 9750.00  | 1425 | 2210 | 2772 | 3121 | 3402 | 3634 |
| 490 | 9800.00  | 1427 | 2213 | 2776 | 3126 | 3408 | 3641 |
| 491 | 9850.00  | 1430 | 2217 | 2781 | 3132 | 3414 | 3647 |
| 492 | 9900.00  | 1432 | 2221 | 2786 | 3137 | 3420 | 3653 |
| 493 | 9950.00  | 1435 | 2225 | 2791 | 3143 | 3426 | 3659 |
| 494 | 10000.00 | 1437 | 2228 | 2795 | 3148 | 3432 | 3666 |

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

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

502 2. The obligor parent's child support payment shall be the  
 503 lesser of the obligor parent's actual dollar share of the total  
 504 minimum child support amount, as determined in subparagraph 1.,  
 505 and 90 percent of the difference between the obligor parent's  
 506 monthly net income and the current poverty guidelines as  
 507 periodically updated in the Federal Register by the United  
 508 States Department of Health and Human Services pursuant to 42

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509 U.S.C. s. 9902(2) for a single individual living alone.

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

Child or Children

| 516 | One  | Two  | Three | Four  | Five  | Six   |
|-----|------|------|-------|-------|-------|-------|
| 517 | 5.0% | 7.5% | 9.5%  | 11.0% | 12.0% | 12.5% |

518  
 519 (7) Child care costs incurred ~~on behalf of the children~~  
 520 due to employment, job search, or education calculated to result  
 521 in employment or to enhance income of current employment of  
 522 either parent ~~shall be reduced by 25 percent and then~~ shall be  
 523 added to the basic obligation. After the ~~adjusted~~ child care  
 524 costs are added ~~to the basic obligation~~, any moneys prepaid by a  
 525 parent for child care costs for the child or children of this  
 526 action shall be deducted from that parent's child support  
 527 obligation for that child or those children. Child care costs  
 528 may ~~shall~~ not exceed the level required to provide quality care  
 529 from a licensed source ~~for the children~~.

530 (11) (a) The court may adjust the total minimum child  
 531 support award, or either or both parents' share of the total  
 532 minimum child support award, based upon the following deviation  
 533 factors:

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- 534 1. Extraordinary medical, psychological, educational, or  
535 dental expenses.
- 536 2. Independent income of the child, not to include moneys  
537 received by a child from supplemental security income.
- 538 3. The payment of support for a parent which ~~regularly~~ has  
539 been regularly paid and for which there is a demonstrated need.
- 540 4. Seasonal variations in one or both parents' incomes or  
541 expenses.
- 542 5. The age of the child, taking into account the greater  
543 needs of older children.
- 544 6. Special needs, such as costs that may be associated  
545 with the disability of a child, that have traditionally been met  
546 within the family budget even though ~~the~~ fulfilling ~~of~~ those  
547 needs will cause the support to exceed the presumptive amount  
548 established by the guidelines.
- 549 7. Total available assets of the obligee, obligor, and the  
550 child.
- 551 8. The impact of the Internal Revenue Service Child &  
552 Dependent Care Tax Credit, Earned Income Tax Credit, and  
553 dependency exemption and waiver of that exemption. The court may  
554 order a parent to execute a waiver of the Internal Revenue  
555 Service dependency exemption if the paying parent is current in  
556 support payments.
- 557 9. An ~~When~~ application of the child support guidelines  
558 schedule that requires a person to pay another person more than  
559 55 percent of his or her gross income for a child support  
560 obligation for current support resulting from a single support  
561 order.

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562           10. The particular parenting plan, such as where the child  
 563 spends a significant amount of time, but less than 20 ~~40~~ percent  
 564 of the overnights, with one parent, thereby reducing the  
 565 financial expenditures incurred by the other parent; or the  
 566 refusal of a parent to become involved in the activities of the  
 567 child.

568           11. Any other adjustment that ~~which~~ is needed to achieve  
 569 an equitable result which may include, but not be limited to, a  
 570 reasonable and necessary existing expense or debt. Such expense  
 571 or debt may include, but is not limited to, a reasonable and  
 572 necessary expense or debt that ~~which~~ the parties jointly  
 573 incurred during the marriage.

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

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

581           2. Calculate the percentage of overnight stays the child  
 582 spends with each parent.

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

586           4. The difference between the amounts calculated in  
 587 subparagraph 3. shall be the monetary transfer necessary between  
 588 the parents for the care of the child, subject to an adjustment  
 589 for day care and health insurance expenses.

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590           5. Pursuant to subsections (7) and (8), calculate the net  
 591 amounts owed by each parent for the expenses incurred for day  
 592 care and health insurance coverage for the child. ~~Day care shall~~  
 593 ~~be calculated without regard to the 25 percent reduction applied~~  
 594 ~~by subsection (7).~~

595           6. Adjust the support obligation owed by each parent  
 596 pursuant to subparagraph 4. by crediting or debiting the amount  
 597 calculated in subparagraph 5. This amount represents the child  
 598 support which must be exchanged between the parents.

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

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

611           (c) A parent's failure to regularly exercise the court-  
 612 ordered or agreed time-sharing schedule not caused by the other  
 613 parent which resulted in the adjustment of the amount of child  
 614 support pursuant to subparagraph (a)10. or paragraph (b) shall  
 615 be deemed a substantial change of circumstances for purposes of  
 616 modifying the child support award. A modification pursuant to  
 617 this paragraph is ~~shall be~~ retroactive to the date the

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618 | noncustodial parent first failed to regularly exercise the  
619 | court-ordered or agreed time-sharing schedule.

620 |       Section 6. This act shall take effect January 1, 2011.