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LEGISLATIVE ACTION

Senate

House

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Floor: WD/3R

04/04/2013 02:11 PM

Senator Flores moved the following:

Senate Amendment

Delete lines 416 - 469

and insert:

(10) (a) In any alimony award and absent good cause, monthly income shall be imputed to a voluntarily unemployed or underemployed party absent a finding of fact by the court of physical or mental incapacity or other circumstances over which the party has no control. In the event of such voluntary unemployment or underemployment, the employment potential and probable earnings level of the party shall be determined based upon his or her recent work history, occupational qualifications, and the prevailing earning level in the



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14 community if such information is available. Income cannot be
15 imputed based on income records more than 5 years old at the
16 time of the hearing or trial at which imputation is sought. If
17 the information concerning a party's income or employment
18 potential and probable earnings level is unavailable, a party
19 fails to participate in the court proceeding, or a party fails
20 to supply adequate financial information in the court
21 proceeding, then, absent good cause, income shall be
22 automatically imputed to the party and there is a rebuttable
23 presumption that the party has income equivalent to the minimum
24 wage income of year-round full-time workers as derived from the
25 current minimum wage established under the Florida Department of
26 Economic Opportunity report.

27 (b) In order for the court to impute income at an amount
28 other than the minimum wage income of year-round full-time
29 workers as derived from the current minimum wage established
30 under the Florida Department of Economic Opportunity report, the
31 court must make specific findings of fact consistent with the
32 requirements of this paragraph. The party seeking to impute
33 income has the burden to present competent, substantial evidence
34 that:

- 35 1. The unemployment or underemployment is voluntary; and
- 36 2. Identifies the amount and source of the imputed income,
37 through evidence of income from available employment for which
38 the party is suitably qualified by education, experience,
39 current licensure, and geographic location.