



814046

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 - 473
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



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

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

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

41 ~~(9) The award of alimony may not leave the payor with~~
42 ~~significantly less net income than the net income of the~~



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43 ~~recipient unless there are written findings of exceptional~~
44 ~~circumstances.~~

45 (11) (a) ~~(10) (a)~~ With respect to any order requiring the