

By Senator Steube

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1 A bill to be entitled
2 An act relating to family law; amending s. 61.046,
3 F.S.; defining the terms "child support account" and
4 "child support plan"; amending s. 61.125, F.S.;
5 revising provisions related to parenting coordination
6 to include child support plans; amending s. 61.13,
7 F.S.; deleting an obsolete date; authorizing a court
8 to use a child support plan in its creation or
9 approval of a certain schedule in a child support
10 order or an income deduction order; making technical
11 changes; authorizing the court to require one or both
12 parents to make payments into a child support account;
13 providing requirements for expenditures made from the
14 child support account; authorizing the court to add
15 costs of health insurance and certain noncovered
16 expenses to the funding obligations of a child support
17 plan; amending s. 61.16, F.S.; removing the authority
18 of the court to order the payment of attorney fees,
19 suit money, and the cost of maintaining or defending a
20 proceeding under ch. 61, F.S.; amending s. 61.30,
21 F.S.; requiring a parent seeking an upward
22 modification of an existing award to demonstrate that
23 prior support payments have been used solely for the
24 benefit of the child; prohibiting the court from
25 ordering an upward modification of an existing award
26 if it finds that a parent is unreasonably spending
27 support payments; requiring the court to consider
28 certain factors in determining whether a substantial
29 change in circumstances has occurred based on an

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30 increase in parental income; removing the burden from
31 a party seeking to impute income to a person in a
32 child support calculation to prove that the person is
33 voluntarily unemployed or underemployed; requiring a
34 party opposing the imputing of income to prove that he
35 or she is not voluntarily unemployed or underemployed;
36 making technical changes; clarifying that the funding
37 obligations of a child support account do not need to
38 be adjusted based on a time-sharing arrangement;
39 providing construction; providing an effective date.
40

41 Be It Enacted by the Legislature of the State of Florida:
42

43 Section 1. Present subsections (2) through (23) of section
44 61.046, Florida Statutes, are redesignated as subsections (4)
45 through (25), respectively, and new subsections (2) and (3) are
46 added to that section, to read:

47 61.046 Definitions.—As used in this chapter, the term:

48 (2) "Child support account" means an account funded by
49 child support payments from one or both parents which may be
50 used to pay for shared expenses and child-specific expenses
51 authorized in a court order or child support plan. The account
52 may be accessible to one or both parents and expenditures on
53 child-specific expenses from an account are documented through
54 the use of checks, a debit card, or other method as agreed upon
55 by the parties or specified by the court.

56 (3) "Child support plan" means a plan to provide for the
57 needs of a child which incorporates a budget for the child's
58 primary needs. The plan may identify which of the parents is

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59 responsible for providing for specific needs or may authorize
60 one or both parents to use funds from a child support account to
61 provide for the needs. The plan identifies the percentage of a
62 parent's child support obligation or the percentage of the
63 monthly child support payments which may be used for shared
64 expenses, such as housing, transportation, or food. The plan may
65 include criteria to authorize changes to a parent's obligations
66 or a schedule for the parents to negotiate for changes in the
67 monthly amount of child support.

68 Section 2. Subsections (1), (2), and (4) of section 61.125,
69 Florida Statutes, are amended to read:

70 61.125 Parenting coordination.—

71 (1) PURPOSE.—The purpose of parenting coordination is to
72 provide a child-focused alternative dispute resolution process
73 whereby a parenting coordinator assists the parents in creating
74 or implementing a parenting plan or child support plan by
75 facilitating the resolution of disputes between the parents by
76 providing education, making recommendations, and, with the prior
77 approval of the parents and the court, making limited decisions
78 within the scope of the court's order of referral.

79 (2) REFERRAL.—In any action in which a judgment or order
80 has been sought or entered adopting, establishing, or modifying
81 a parenting plan or child support plan, except for a domestic
82 violence proceeding under chapter 741, and upon agreement of the
83 parties, the court's own motion, or the motion of a party, the
84 court may appoint a parenting coordinator and refer the parties
85 to parenting coordination to assist in the resolution of
86 disputes concerning their parenting plan or child support plan.

87 (4) QUALIFICATIONS OF A PARENTING COORDINATOR.—A parenting

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88 coordinator is an impartial third person whose role is to assist
89 the parents in successfully creating or implementing a parenting
90 plan or child support plan. Unless there is a written agreement
91 between the parties, the court may appoint only a qualified
92 parenting coordinator.

93 (a) To be qualified, a parenting coordinator must:

94 1. Meet one of the following professional requirements:

95 a. Be licensed as a mental health professional under
96 chapter 490 or chapter 491.

97 b. Be licensed as a physician under chapter 458, with
98 certification by the American Board of Psychiatry and Neurology.

99 c. Be certified by the Florida Supreme Court as a family
100 law mediator, with at least a master's degree in a mental health
101 field.

102 d. Be a member in good standing of The Florida Bar.

103 2. Complete all of the following:

104 a. Three years of postlicensure or postcertification
105 practice.

106 b. A family mediation training program certified by the
107 Florida Supreme Court.

108 c. A minimum of 24 hours of parenting coordination training
109 in parenting coordination concepts and ethics, family systems
110 theory and application, family dynamics in separation and
111 divorce, child and adolescent development, the parenting
112 coordination process, parenting coordination techniques, and
113 Florida family law and procedure, and a minimum of 4 hours of
114 training in domestic violence and child abuse which is related
115 to parenting coordination.

116 (b) The court may require additional qualifications to

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117 address issues specific to the parties.

118 (c) A qualified parenting coordinator must be in good
119 standing, or in clear and active status, with his or her
120 respective licensing authority, certification board, or both, as
121 applicable.

122 Section 3. Subsection (1) of section 61.13, Florida
123 Statutes, is amended to read:

124 61.13 Support of children; parenting and time-sharing;
125 powers of court.—

126 (1) (a) In a proceeding under this chapter, the court may at
127 any time order either or both parents who owe a duty of support
128 to a child to pay support to the other parent or, in the case of
129 both parents, to a third party who has custody in accordance
130 with the child support guidelines schedule in s. 61.30.

131 1. All child support orders and income deduction orders
132 ~~entered on or after October 1, 2010,~~ must provide:

133 a. For child support to terminate on a child's 18th
134 birthday unless the court finds or previously found that the
135 child is dependent under s. 743.07(2) ~~applies~~, or the
136 termination is otherwise agreed to by the parties;

137 b. A schedule, based on the record existing at the time of
138 the order which may be based on a child support plan, stating
139 the amount of the monthly child support obligation for all the
140 minor children at the time of the order and the amount of child
141 support that will be owed for any remaining children after one
142 or more of the children are no longer entitled to receive child
143 support; and

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

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146 2. The court initially entering an order requiring one or
147 both parents to make child support payments has continuing
148 jurisdiction after the entry of the initial order to modify the
149 amount and terms and conditions of the child support payments if
150 the modification is found by the court to be in the best
151 interests of the child; when the child reaches majority; if
152 there is a substantial change in the circumstances of the
153 parties; if the child is dependent under s. 743.07(2) applies;
154 or when a child is emancipated, marries, joins the armed
155 services, or dies. The court initially entering a child support
156 order has continuing jurisdiction to require a parent receiving
157 child support payments ~~the obligee~~ to report to the court on
158 terms prescribed by the court regarding the disposition of the
159 child support payments. The court may also require one or both
160 parents to make payments into a child support account to be used
161 consistent with the court's orders or a child support plan. To
162 facilitate transparency and accountability, expenditures from
163 the child support account which are made for child-specific
164 expenses must be documented through the use of a debit card,
165 check, or other record as required by a court order, child
166 support plan, or agreement of the parties. The court may order
167 that the records of expenditures be reported to the other parent
168 or the court at regular intervals. The court may specify the
169 maximum percentage or amount of a child support award that may
170 be withdrawn from a child support account or used by one or both
171 parents for shared expenses, such as housing, transportation,
172 and food, which cannot be allocated to a child with reasonable
173 certainty.

174 (b) Each order for support shall contain a provision for

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175 health insurance for the minor child when health insurance is
176 reasonable in cost and accessible to the child. Health insurance
177 is presumed to be reasonable in cost if the incremental cost of
178 adding health insurance for the child or children does not
179 exceed 5 percent of the gross income, as defined in s. 61.30, of
180 the parent responsible for providing health insurance. Health
181 insurance is accessible to the child if the health insurance is
182 available to be used in the county of the child's primary
183 residence or in another county if the parent who has the most
184 time under the time-sharing plan agrees. If the time-sharing
185 plan provides for equal time-sharing, health insurance is
186 accessible to the child if the health insurance is available to
187 be used in either county where the child resides or in another
188 county if both parents agree. The court may require a parent ~~the~~
189 ~~obligor~~ to provide health insurance or to reimburse the parent
190 who provides the obligee for the cost of health insurance for
191 the minor child ~~when insurance is provided by the obligee~~. The
192 presumption of reasonable cost may be rebutted by evidence of
193 any of the factors in s. 61.30(11)(a). The court may deviate
194 from what is presumed reasonable in cost only upon a written
195 finding explaining its determination why ordering or not
196 ordering the provision of health insurance or the reimbursement
197 of the ~~obligee's~~ cost for providing health insurance for the
198 minor child would be unjust or inappropriate. In any event, the
199 court shall apportion the cost of health insurance, and any
200 noncovered medical, dental, and prescription medication expenses
201 of the child, to both parties by adding the cost to the basic
202 obligation determined pursuant to s. 61.30(6) or by adding the
203 costs to the funding obligations of a child support plan. The

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204 court may order that a parent pay ~~payment of~~ noncovered medical,
205 dental, and prescription medication expenses of the minor child
206 ~~be made~~ directly to the other parent ~~obligee~~ on a percentage
207 basis. In a proceeding for medical support only, each parent's
208 share of the child's noncovered medical expenses shall equal the
209 parent's percentage share of the combined net income of the
210 parents. The percentage share shall be calculated by dividing
211 each parent's net monthly income by the combined monthly net
212 income of both parents. Net income is calculated as specified by
213 s. 61.30(3) and (4).

214 1. In a non-Title IV-D case, a copy of the court order for
215 health insurance shall be served on the ~~obligor's~~ union or
216 employer of the parent who is required to provide health
217 insurance by the other parent ~~obligee~~ when the following
218 conditions are met:

219 a. The parent required to provide health insurance ~~obligor~~
220 fails to provide written proof to the other parent ~~obligee~~
221 within 30 days after receiving effective notice of the court
222 order that the health insurance has been obtained or that
223 application for health insurance has been made;

224 b. The parent seeking to enforce the order for health
225 insurance ~~obligee~~ serves written notice of intent to enforce the
226 ~~an order for health insurance~~ on the parent required to provide
227 health insurance, mailed to ~~obligor by mail at~~ the parent's
228 ~~obligor's~~ last known address; and

229 c. The parent required to provide health insurance ~~obligor~~
230 fails within 15 days after the mailing of the notice to provide
231 written proof to the other parent ~~obligee~~ that the health
232 insurance existed as of the date of mailing.

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233 2.a. A support order enforced under Title IV-D of the
234 Social Security Act which requires a parent to ~~that the obligor~~
235 provide health insurance is enforceable by the department
236 through the use of the national medical support notice, and an
237 amendment to the support order is not required. The department
238 shall transfer the national medical support notice to the
239 ~~obligor's~~ union or employer of the parent required to provide
240 insurance. The department shall notify the parent ~~obligor~~ in
241 writing that the notice has been sent to his or her ~~the~~
242 ~~obligor's~~ union or employer, and the written notification must
243 include the parent's ~~obligor's~~ rights and duties under the
244 national medical support notice. The parent ~~obligor~~ may contest
245 the withholding required by the national medical support notice
246 based on a mistake of fact. To contest the withholding, the
247 parent ~~obligor~~ must file a written notice of contest with the
248 department within 15 business days after the date he or she ~~the~~
249 ~~obligor~~ receives written notification of the national medical
250 support notice from the department. Filing with the department
251 is complete when the notice is received by the person designated
252 by the department in the written notification. The notice of
253 contest must be in the form prescribed by the department. Upon
254 the timely filing of a notice of contest, the department shall,
255 within 5 business days, schedule an informal conference with the
256 parent who is obligated to provide insurance ~~obligor~~ to discuss
257 his or her ~~the obligor's~~ factual dispute. If the informal
258 conference resolves the dispute to the parent's ~~obligor's~~
259 satisfaction or if the parent ~~obligor~~ fails to attend the
260 informal conference, the notice of contest is deemed withdrawn.
261 If the informal conference does not resolve the dispute, the

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262 parent ~~obligor~~ may request an administrative hearing under
263 chapter 120 within 5 business days after the termination of the
264 informal conference, in a form and manner prescribed by the
265 department. However, the filing of a notice of contest by the
266 parent required to provide insurance ~~obligor~~ does not delay the
267 withholding of premium payments by the union, employer, or
268 health plan administrator. The union, employer, or health plan
269 administrator must implement the withholding as directed by the
270 national medical support notice unless notified by the
271 department that the national medical support notice is
272 terminated.

273 b. In a Title IV-D case, the department shall notify the an
274 ~~obligor's~~ union or employer of the parent required to provide
275 health insurance if the obligation to provide health insurance
276 through that union or employer is terminated.

277 3. In a non-Title IV-D case, upon receipt of the order
278 pursuant to subparagraph 1., or upon application of the parent
279 required to provide health insurance ~~obligor~~ pursuant to the
280 order, the union or employer shall enroll the minor child as a
281 beneficiary in the group health plan regardless of any
282 restrictions on the enrollment period and withhold any required
283 premium from the parent's ~~obligor's~~ income. If more than one
284 plan is offered by the union or employer, the child shall be
285 enrolled in the group health plan in which his or her parent ~~the~~
286 ~~obligor~~ is enrolled.

287 4.a. Upon receipt of the national medical support notice
288 under subparagraph 2. in a Title IV-D case, the union or
289 employer shall transfer the notice to the appropriate group
290 health plan administrator within 20 business days after the date

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291 on the notice. The plan administrator must enroll the child as a
292 beneficiary in the group health plan regardless of any
293 restrictions on the enrollment period, and the union or employer
294 must withhold any required premium from the parent's ~~obligor's~~
295 income upon notification by the plan administrator that the
296 child is enrolled. The child shall be enrolled in the group
297 health plan in which the parent ~~obligor~~ is enrolled. If the
298 group health plan in which the parent ~~obligor~~ is enrolled is not
299 available where the child resides or if the parent ~~obligor~~ is
300 not enrolled in group coverage, the child shall be enrolled in
301 the lowest cost group health plan that is accessible to the
302 child.

303 b. If health insurance or the parent's ~~obligor's~~ employment
304 is terminated in a Title IV-D case, the union or employer that
305 is withholding premiums for health insurance under a national
306 medical support notice must notify the department within 20 days
307 after the termination and provide the parent's ~~obligor's~~ last
308 known address and the name and address of the parent's ~~obligor's~~
309 new employer, if known.

310 5.a. The amount withheld by a union or employer in
311 compliance with a support order may not exceed the amount
312 allowed under s. 303(b) of the Consumer Credit Protection Act,
313 15 U.S.C. s. 1673(b), as amended. The union or employer shall
314 withhold the maximum allowed by the Consumer Credit Protection
315 Act in the following order:

- 316 (I) Current support, as ordered.
317 (II) Premium payments for health insurance, as ordered.
318 (III) Past due support, as ordered.
319 (IV) Other medical support or insurance, as ordered.

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320 b. If the combined amount to be withheld for current
321 support plus the premium payment for health insurance exceed the
322 amount allowed under the Consumer Credit Protection Act, and the
323 health insurance cannot be obtained unless the full amount of
324 the premium is paid, the union or employer may not withhold the
325 premium payment. However, the union or employer shall withhold
326 the maximum allowed in the following order:

327 (I) Current support, as ordered.

328 (II) Past due support, as ordered.

329 (III) Other medical support or insurance, as ordered.

330 6. An employer, union, or plan administrator who does not
331 comply with the requirements in sub-subparagraph 4.a. is subject
332 to a civil penalty not to exceed \$250 for the first violation
333 and \$500 for subsequent violations, plus attorney's fees and
334 costs. The department may file a petition in circuit court to
335 enforce the requirements of this subparagraph.

336 7. The department may adopt rules to administer the child
337 support enforcement provisions of this section that affect Title
338 IV-D cases.

339 (c) To the extent necessary to protect an award of child
340 support, the court may order one or both parents to purchase or
341 contribute to the maintenance of ~~the obligor to purchase or~~
342 ~~maintain~~ a life insurance policy or a bond, or to otherwise
343 secure the child support award with any other assets that ~~which~~
344 may be suitable for that purpose.

345 (d)1. All child support orders shall provide the full name
346 and date of birth of each minor child who is the subject of the
347 child support order.

348 2. If both parties request and the court finds that it is

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349 in the best interest of the child, support payments need not be
350 subject to immediate income deduction. Support orders that are
351 not subject to immediate income deduction may be directed
352 through the depository under s. 61.181 or made payable directly
353 to a parent or a child support account ~~the obligee~~. Payments
354 made by immediate income deduction shall be made to the State
355 Disbursement Unit. The court shall provide a copy of the order
356 to the depository.

357 3. For support orders payable directly to a parent or child
358 support account ~~the obligee~~, any party, or the department in a
359 IV-D case, may subsequently file an affidavit with the
360 depository alleging a default in payment of child support and
361 stating that the party wishes to require that payments be made
362 through the depository. The party shall provide copies of the
363 affidavit to the court and to each other party. Fifteen days
364 after receipt of the affidavit, the depository shall notify all
365 parties that future payments shall be paid through the
366 depository, except that income deduction payments shall be made
367 to the State Disbursement Unit.

368 Section 4. Section 61.16, Florida Statutes, is amended to
369 read:

370 61.16 Contempt; attorney ~~Attorney's fees, suit money,~~ and
371 costs.-

372 ~~(1) The court may from time to time, after considering the~~
373 ~~financial resources of both parties, order a party to pay a~~
374 ~~reasonable amount for attorney's fees, suit money, and the cost~~
375 ~~to the other party of maintaining or defending any proceeding~~
376 ~~under this chapter, including enforcement and modification~~
377 ~~proceedings and appeals. In those cases in which an action is~~

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378 ~~brought for enforcement and the court finds that the~~
379 ~~noncompliant party is without justification in the refusal to~~
380 ~~follow a court order, the court may not award attorney's fees,~~
381 ~~suit money, and costs to the noncompliant party. An application~~
382 ~~for attorney's fees, suit money, or costs, whether temporary or~~
383 ~~otherwise, shall not require corroborating expert testimony in~~
384 ~~order to support an award under this chapter. The trial court~~
385 ~~shall have continuing jurisdiction to make temporary attorney's~~
386 ~~fees and costs awards reasonably necessary to prosecute or~~
387 ~~defend an appeal on the same basis and criteria as though the~~
388 ~~matter were pending before it at the trial level. In all cases,~~
389 ~~the court may order that the amount be paid directly to the~~
390 ~~attorney, who may enforce the order in that attorney's name. In~~
391 ~~determining whether to make attorney's fees and costs awards at~~
392 ~~the appellate level, the court shall primarily consider the~~
393 ~~relative financial resources of the parties, unless an appellate~~
394 ~~party's cause is deemed to be frivolous. In Title IV-D cases,~~
395 ~~attorney's fees, suit money, and costs, including filing fees,~~
396 ~~recording fees, mediation costs, service of process fees, and~~
397 ~~other expenses incurred by the clerk of the circuit court, shall~~
398 ~~be assessed only against the nonprevailing obligor after the~~
399 ~~court makes a determination of the nonprevailing obligor's~~
400 ~~ability to pay such costs and fees. The Department of Revenue~~
401 ~~shall not be considered a party for purposes of this section;~~
402 ~~however, fees may be assessed against the department pursuant to~~
403 ~~s. 57.105(1).~~

404 (2) In an action brought pursuant to Rule 3.840, Florida
405 Rules of Criminal Procedure, whether denominated direct or
406 indirect criminal contempt, the court may ~~shall have authority~~

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407 ~~to~~:408 (1)~~(a)~~ Appoint an attorney to prosecute the ~~said~~ contempt.409 (2)~~(b)~~ Assess attorney ~~attorney's~~ fees and costs against
410 the contemtor after the court makes a determination of the
411 contemtor's ability to pay such costs and fees.412 (3)~~(e)~~ Order that the amount be paid directly to the
413 attorney, who may enforce the order in his or her name.414 Section 5. Section 61.30, Florida Statutes, is amended to
415 read:

416 61.30 Child support guidelines; retroactive child support.-

417 (1) (a) In the absence of a child support plan, the child
418 support guideline amount as determined by this section
419 presumptively establishes the amount the trier of fact shall
420 order as child support in an initial proceeding for such support
421 or in a proceeding for modification of an existing order for
422 such support, whether the proceeding arises under this or
423 another chapter. The trier of fact may order payment of child
424 support which varies, plus or minus 5 percent, from the
425 guideline amount, after considering all relevant factors,
426 including the needs of the child or children, age, station in
427 life, standard of living, and the financial status and ability
428 of each parent. The trier of fact may order payment of child
429 support in an amount which varies more than 5 percent from such
430 guideline amount only upon a written finding explaining why
431 ordering payment of such guideline amount would be unjust or
432 inappropriate. Notwithstanding the variance limitations of this
433 section, the trier of fact shall order payment of child support
434 which varies from the guideline amount as provided in paragraph
435 (11) (b) whenever any of the children are required by court order

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436 or mediation agreement to spend a substantial amount of time
437 with either parent. This requirement applies to any living
438 arrangement, whether temporary or permanent.

439 (b) The guidelines may provide the basis for proving a
440 substantial change in circumstances upon which a modification of
441 an existing order may be granted. However, the difference
442 between the existing monthly obligation and the amount provided
443 for under the guidelines shall be at least 15 percent or \$50,
444 whichever amount is greater, before the court may find that the
445 guidelines provide a substantial change in circumstances.

446 1. A parent seeking an upward modification of an existing
447 award must demonstrate that prior support payments have been
448 used solely for the benefit of the child and that only a
449 reasonable portion of the support payments were used for
450 expenses shared by the child and parent, including housing,
451 transportation, and food. If the court finds that a parent is
452 unreasonably spending support payments, the court may not order
453 an upward modification.

454 2. In determining whether a substantial change in
455 circumstances has occurred based on an increase in parental
456 income, the court must consider all of the following:

457 a. Whether the child's needs are being met;
458 b. How an increase in support would be spent; and
459 c. Whether a parent opposing the modification is likely to
460 provide additional support to the child, in addition to the
461 existing award.

462 (c) For each support order reviewed by the department as
463 required by s. 409.2564(11), if the amount of the child support
464 award under the order differs by at least 10 percent but not

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465 less than \$25 from the amount that would be awarded under this
466 section, the department shall seek to have the order modified
467 and any modification shall be made without a requirement for
468 proof or showing of a change in circumstances.

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

471 (a) Gross income shall include, but is not limited to, the
472 following:

473 1. Salary or wages.

474 2. Bonuses, commissions, allowances, overtime, tips, and
475 other similar payments.

476 3. Business income from sources such as self-employment,
477 partnership, close corporations, and independent contracts.
478 "Business income" means gross receipts minus ordinary and
479 necessary expenses required to produce income.

480 4. Disability benefits.

481 5. All workers' compensation benefits and settlements.

482 6. Reemployment assistance or unemployment compensation.

483 7. Pension, retirement, or annuity payments.

484 8. Social security benefits.

485 9. Spousal support received from a previous marriage or
486 court ordered in the marriage before the court.

487 10. Interest and dividends.

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

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

491 13. Reimbursed expenses or in kind payments to the extent
492 that they reduce living expenses.

493 14. Gains derived from dealings in property, unless the

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494 gain is nonrecurring.

495 (b) Monthly income shall be imputed to an unemployed or
496 underemployed parent if such unemployment or underemployment is
497 found by the court to be voluntary on that parent's part, absent
498 a finding of fact by the court of physical or mental incapacity
499 or other circumstances over which the parent has no control. In
500 the event of such voluntary unemployment or underemployment, the
501 employment potential and probable earnings level of the parent
502 shall be determined based upon his or her recent work history,
503 occupational qualifications, and prevailing earnings level in
504 the community if such information is available. If the
505 information concerning a parent's income is unavailable, a
506 parent fails to participate in a child support proceeding, or a
507 parent fails to supply adequate financial information in a child
508 support proceeding, income shall be automatically imputed to the
509 parent and there is a rebuttable presumption that the parent has
510 income equivalent to the median income of year-round full-time
511 workers as derived from current population reports or
512 replacement reports published by the United States Bureau of the
513 Census. However, the court may refuse to impute income to a
514 parent if the court finds it necessary for that parent to stay
515 home with the child who is the subject of a child support
516 calculation or as set forth below:

517 1. In order for the court to impute income at an amount
518 other than the median income of year-round full-time workers as
519 derived from current population reports or replacement reports
520 published by the United States Bureau of the Census, the court
521 must make specific findings of fact consistent with the
522 requirements of this paragraph.

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523 a. The party seeking to impute income has the burden to
524 present competent, substantial evidence that:

525 ~~a. The unemployment or underemployment is voluntary; and~~
526 ~~b.~~ identifies the amount and source of the imputed income,
527 through evidence of income from available employment for which
528 the party is suitably qualified by education, experience,
529 current licensure, or geographic location, with due
530 consideration being given to the parties' time-sharing schedule
531 and their historical exercise of the time-sharing provided in
532 the parenting plan or relevant order.

533 b. A party opposing the imputing of income has the burden
534 to present competent, substantial evidence that he or she is not
535 voluntarily unemployed or underemployed. For purposes of this
536 section, a court shall consider as voluntary any unemployment or
537 underemployment that has resulted from the party's pursuit of
538 his or her own interests or a less than bona fide effort to find
539 suitable employment paying a reasonable level of income under
540 the circumstances.

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

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

545 b. Income at a level that a party has never earned in the
546 past, unless recently degreed, licensed, certified, relicensed,
547 or recertified and thus qualified for, subject to geographic
548 location, with due consideration of the parties' existing time-
549 sharing schedule and their historical exercise of the time-
550 sharing provided in the parenting plan or relevant order.

551 (c) Public assistance as defined in s. 409.2554 shall be

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552 excluded from gross income.

553 (3) Net income is obtained by subtracting allowable
554 deductions from gross income. Allowable deductions shall
555 include:

556 (a) Federal, state, and local income tax deductions,
557 adjusted for actual filing status and allowable dependents and
558 income tax liabilities.

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

560 (c) Mandatory union dues.

561 (d) Mandatory retirement payments.

562 (e) Health insurance payments, excluding payments for
563 coverage of the minor child.

564 (f) Court-ordered support for other children which is
565 actually paid.

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

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

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

572 (6) The following guidelines schedule shall be applied to
573 the combined net income to determine the minimum child support
574 need:

575 Combined

576 Monthly Child or Children
577 Net

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	Income	One	Two	Three	Four	Five	Six
578	800.00	190	211	213	216	218	220
579	850.00	202	257	259	262	265	268
580	900.00	213	302	305	309	312	315
581	950.00	224	347	351	355	359	363
582	1000.00	235	365	397	402	406	410
583	1050.00	246	382	443	448	453	458
584	1100.00	258	400	489	495	500	505
585	1150.00	269	417	522	541	547	553
586	1200.00	280	435	544	588	594	600
587	1250.00	290	451	565	634	641	648
588	1300.00	300	467	584	659	688	695
589	1350.00	310	482	603	681	735	743
590	1400.00	320	498	623	702	765	790
591	1450.00	330	513	642	724	789	838

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592	1500.00	340	529	662	746	813	869
593	1550.00	350	544	681	768	836	895
594	1600.00	360	560	701	790	860	920
595	1650.00	370	575	720	812	884	945
596	1700.00	380	591	740	833	907	971
597	1750.00	390	606	759	855	931	996
598	1800.00	400	622	779	877	955	1022
599	1850.00	410	638	798	900	979	1048
600	1900.00	421	654	818	923	1004	1074
601	1950.00	431	670	839	946	1029	1101
602	2000.00	442	686	859	968	1054	1128
603	2050.00	452	702	879	991	1079	1154
604	2100.00	463	718	899	1014	1104	1181
605	2150.00	473	734	919	1037	1129	1207
606							

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607	2200.00	484	751	940	1060	1154	1234
608	2250.00	494	767	960	1082	1179	1261
609	2300.00	505	783	980	1105	1204	1287
610	2350.00	515	799	1000	1128	1229	1314
611	2400.00	526	815	1020	1151	1254	1340
612	2450.00	536	831	1041	1174	1279	1367
613	2500.00	547	847	1061	1196	1304	1394
614	2550.00	557	864	1081	1219	1329	1420
615	2600.00	568	880	1101	1242	1354	1447
616	2650.00	578	896	1121	1265	1379	1473
617	2700.00	588	912	1141	1287	1403	1500
618	2750.00	597	927	1160	1308	1426	1524
619	2800.00	607	941	1178	1328	1448	1549
620	2850.00	616	956	1197	1349	1471	1573
	2900.00	626	971	1215	1370	1494	1598

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621	2950.00	635	986	1234	1391	1517	1622
622	3000.00	644	1001	1252	1412	1540	1647
623	3050.00	654	1016	1271	1433	1563	1671
624	3100.00	663	1031	1289	1453	1586	1695
625	3150.00	673	1045	1308	1474	1608	1720
626	3200.00	682	1060	1327	1495	1631	1744
627	3250.00	691	1075	1345	1516	1654	1769
628	3300.00	701	1090	1364	1537	1677	1793
629	3350.00	710	1105	1382	1558	1700	1818
630	3400.00	720	1120	1401	1579	1723	1842
631	3450.00	729	1135	1419	1599	1745	1867
632	3500.00	738	1149	1438	1620	1768	1891
633	3550.00	748	1164	1456	1641	1791	1915
634	3600.00	757	1179	1475	1662	1814	1940
635							

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636	3650.00	767	1194	1493	1683	1837	1964
637	3700.00	776	1208	1503	1702	1857	1987
638	3750.00	784	1221	1520	1721	1878	2009
639	3800.00	793	1234	1536	1740	1899	2031
640	3850.00	802	1248	1553	1759	1920	2053
641	3900.00	811	1261	1570	1778	1940	2075
642	3950.00	819	1275	1587	1797	1961	2097
643	4000.00	828	1288	1603	1816	1982	2119
644	4050.00	837	1302	1620	1835	2002	2141
645	4100.00	846	1315	1637	1854	2023	2163
646	4150.00	854	1329	1654	1873	2044	2185
647	4200.00	863	1342	1670	1892	2064	2207
648	4250.00	872	1355	1687	1911	2085	2229
649	4300.00	881	1369	1704	1930	2106	2251
	4350.00	889	1382	1721	1949	2127	2273

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650	4400.00	898	1396	1737	1968	2147	2295
651	4450.00	907	1409	1754	1987	2168	2317
652	4500.00	916	1423	1771	2006	2189	2339
653	4550.00	924	1436	1788	2024	2209	2361
654	4600.00	933	1450	1804	2043	2230	2384
655	4650.00	942	1463	1821	2062	2251	2406
656	4700.00	951	1477	1838	2081	2271	2428
657	4750.00	959	1490	1855	2100	2292	2450
658	4800.00	968	1503	1871	2119	2313	2472
659	4850.00	977	1517	1888	2138	2334	2494
660	4900.00	986	1530	1905	2157	2354	2516
661	4950.00	993	1542	1927	2174	2372	2535
662	5000.00	1000	1551	1939	2188	2387	2551
663	5050.00	1006	1561	1952	2202	2402	2567
664							

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665	5100.00	1013	1571	1964	2215	2417	2583
666	5150.00	1019	1580	1976	2229	2432	2599
667	5200.00	1025	1590	1988	2243	2447	2615
668	5250.00	1032	1599	2000	2256	2462	2631
669	5300.00	1038	1609	2012	2270	2477	2647
670	5350.00	1045	1619	2024	2283	2492	2663
671	5400.00	1051	1628	2037	2297	2507	2679
672	5450.00	1057	1638	2049	2311	2522	2695
673	5500.00	1064	1647	2061	2324	2537	2711
674	5550.00	1070	1657	2073	2338	2552	2727
675	5600.00	1077	1667	2085	2352	2567	2743
676	5650.00	1083	1676	2097	2365	2582	2759
677	5700.00	1089	1686	2109	2379	2597	2775
678	5750.00	1096	1695	2122	2393	2612	2791
	5800.00	1102	1705	2134	2406	2627	2807

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679	5850.00	1107	1713	2144	2418	2639	2820
680	5900.00	1111	1721	2155	2429	2651	2833
681	5950.00	1116	1729	2165	2440	2663	2847
682	6000.00	1121	1737	2175	2451	2676	2860
683	6050.00	1126	1746	2185	2462	2688	2874
684	6100.00	1131	1754	2196	2473	2700	2887
685	6150.00	1136	1762	2206	2484	2712	2900
686	6200.00	1141	1770	2216	2495	2724	2914
687	6250.00	1145	1778	2227	2506	2737	2927
688	6300.00	1150	1786	2237	2517	2749	2941
689	6350.00	1155	1795	2247	2529	2761	2954
690	6400.00	1160	1803	2258	2540	2773	2967
691	6450.00	1165	1811	2268	2551	2785	2981
692	6500.00	1170	1819	2278	2562	2798	2994
693							

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694	6550.00	1175	1827	2288	2573	2810	3008
695	6600.00	1179	1835	2299	2584	2822	3021
696	6650.00	1184	1843	2309	2595	2834	3034
697	6700.00	1189	1850	2317	2604	2845	3045
698	6750.00	1193	1856	2325	2613	2854	3055
699	6800.00	1196	1862	2332	2621	2863	3064
700	6850.00	1200	1868	2340	2630	2872	3074
701	6900.00	1204	1873	2347	2639	2882	3084
702	6950.00	1208	1879	2355	2647	2891	3094
703	7000.00	1212	1885	2362	2656	2900	3103
704	7050.00	1216	1891	2370	2664	2909	3113
705	7100.00	1220	1897	2378	2673	2919	3123
706	7150.00	1224	1903	2385	2681	2928	3133
707	7200.00	1228	1909	2393	2690	2937	3142
	7250.00	1232	1915	2400	2698	2946	3152

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7300.00	1235	1921	2408	2707	2956	3162
7350.00	1239	1927	2415	2716	2965	3172
7400.00	1243	1933	2423	2724	2974	3181
7450.00	1247	1939	2430	2733	2983	3191
7500.00	1251	1945	2438	2741	2993	3201
7550.00	1255	1951	2446	2750	3002	3211
7600.00	1259	1957	2453	2758	3011	3220
7650.00	1263	1963	2461	2767	3020	3230
7700.00	1267	1969	2468	2775	3030	3240
7750.00	1271	1975	2476	2784	3039	3250
7800.00	1274	1981	2483	2792	3048	3259
7850.00	1278	1987	2491	2801	3057	3269
7900.00	1282	1992	2498	2810	3067	3279
7950.00	1286	1998	2506	2818	3076	3289

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723	8000.00	1290	2004	2513	2827	3085	3298
724	8050.00	1294	2010	2521	2835	3094	3308
725	8100.00	1298	2016	2529	2844	3104	3318
726	8150.00	1302	2022	2536	2852	3113	3328
727	8200.00	1306	2028	2544	2861	3122	3337
728	8250.00	1310	2034	2551	2869	3131	3347
729	8300.00	1313	2040	2559	2878	3141	3357
730	8350.00	1317	2046	2566	2887	3150	3367
731	8400.00	1321	2052	2574	2895	3159	3376
732	8450.00	1325	2058	2581	2904	3168	3386
733	8500.00	1329	2064	2589	2912	3178	3396
734	8550.00	1333	2070	2597	2921	3187	3406
735	8600.00	1337	2076	2604	2929	3196	3415
736	8650.00	1341	2082	2612	2938	3205	3425
	8700.00	1345	2088	2619	2946	3215	3435

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737	8750.00	1349	2094	2627	2955	3224	3445
738	8800.00	1352	2100	2634	2963	3233	3454
739	8850.00	1356	2106	2642	2972	3242	3464
740	8900.00	1360	2111	2649	2981	3252	3474
741	8950.00	1364	2117	2657	2989	3261	3484
742	9000.00	1368	2123	2664	2998	3270	3493
743	9050.00	1372	2129	2672	3006	3279	3503
744	9100.00	1376	2135	2680	3015	3289	3513
745	9150.00	1380	2141	2687	3023	3298	3523
746	9200.00	1384	2147	2695	3032	3307	3532
747	9250.00	1388	2153	2702	3040	3316	3542
748	9300.00	1391	2159	2710	3049	3326	3552
749	9350.00	1395	2165	2717	3058	3335	3562
750	9400.00	1399	2171	2725	3066	3344	3571
751							

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752	9450.00	1403	2177	2732	3075	3353	3581
753	9500.00	1407	2183	2740	3083	3363	3591
754	9550.00	1411	2189	2748	3092	3372	3601
755	9600.00	1415	2195	2755	3100	3381	3610
756	9650.00	1419	2201	2763	3109	3390	3620
757	9700.00	1422	2206	2767	3115	3396	3628
758	9750.00	1425	2210	2772	3121	3402	3634
759	9800.00	1427	2213	2776	3126	3408	3641
760	9850.00	1430	2217	2781	3132	3414	3647
761	9900.00	1432	2221	2786	3137	3420	3653
762	9950.00	1435	2225	2791	3143	3426	3659
763	10000.00	1437	2228	2795	3148	3432	3666

764 (a) If the ~~obligor parent's~~ net income of a parent ordered
 765 to pay child support is less than the amount in the guidelines
 766 schedule:

767 1. The parent should be ordered to pay a child support
 768 amount, determined on a case-by-case basis, to establish the

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769 principle of payment and lay the basis for increased support
 770 orders should the parent's income increase.

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

780 (b) For combined monthly net income greater than the amount
 781 in the guidelines schedule, the obligation is the minimum amount
 782 of support provided by the guidelines schedule plus the
 783 following percentages multiplied by the amount of income over
 784 \$10,000:

785

786

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

787

788

789

790 (7) Child care costs incurred due to employment, job
 791 search, or education calculated to result in employment or to
 792 enhance income of current employment of either parent shall be
 793 added to the basic obligation. After the child care costs are
 794 added, any moneys prepaid by a parent for child care costs for

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795 the child or children of this action shall be deducted from that
796 parent's child support obligation for that child or those
797 children. Child care costs may not exceed the level required to
798 provide quality care from a licensed source.

799 (8) Health insurance costs resulting from coverage ordered
800 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
801 and prescription medication expenses of the child, shall be
802 added to the basic obligation unless these expenses have been
803 ordered to be separately paid on a percentage basis. After the
804 health insurance costs are added to the basic obligation, any
805 moneys prepaid by a parent for health-related costs for the
806 child or children of this action shall be deducted from that
807 parent's child support obligation for that child or those
808 children.

809 (9) Each parent's percentage share of the child support
810 need or obligation to be paid into a child support account shall
811 be determined by dividing each parent's net monthly income by
812 the combined net monthly income.

813 (10) Each parent's actual dollar share of the total minimum
814 child support need or amount each parent must pay into a child
815 support account shall be determined by multiplying the minimum
816 child support need by each parent's percentage share of the
817 combined monthly net income.

818 (11)(a) The court may adjust the total minimum child
819 support award, or either or both parents' share of the total
820 minimum child support award, based upon the following deviation
821 factors:

822 1. Extraordinary medical, psychological, educational, or
823 dental expenses.

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- 824 2. Independent income of the child, not to include moneys
825 received by a child from supplemental security income.
- 826 3. The payment of support for a parent which has been
827 regularly paid and for which there is a demonstrated need.
- 828 4. Seasonal variations in one or both parents' incomes or
829 expenses.
- 830 5. The age of the child, taking into account the greater
831 needs of older children.
- 832 6. Special needs, such as costs that may be associated with
833 the disability of a child, that have traditionally been met
834 within the family budget even though fulfilling those needs will
835 cause the support to exceed the presumptive amount established
836 by the guidelines.
- 837 7. Total available assets of each parent ~~the obligee,~~
838 ~~obligor,~~ and the child.
- 839 8. The impact of the Internal Revenue Service Child &
840 Dependent Care Tax Credit, Earned Income Tax Credit, and
841 dependency exemption and waiver of that exemption. The court may
842 order a parent to execute a waiver of the Internal Revenue
843 Service dependency exemption if the paying parent is current in
844 support payments.
- 845 9. An application of the child support guidelines schedule
846 that requires a person to pay another person more than 55
847 percent of his or her gross income for a child support
848 obligation for current support resulting from a single support
849 order.
- 850 10. The particular parenting plan, a court-ordered time-
851 sharing schedule, or a time-sharing arrangement exercised by
852 agreement of the parties, such as where the child spends a

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853 significant amount of time, but less than 20 percent of the
854 overnights, with one parent, thereby reducing the financial
855 expenditures incurred by the other parent; or the refusal of a
856 parent to become involved in the activities of the child.

857 11. Any other adjustment that is needed to achieve an
858 equitable result which may include, but not be limited to, a
859 reasonable and necessary existing expense or debt. Such expense
860 or debt may include, but is not limited to, a reasonable and
861 necessary expense or debt that the parties jointly incurred
862 during the marriage.

863 (b) If the parents are making payments into a court-ordered
864 child support account in accordance with a child support plan,
865 the funding obligations do not need to be further adjusted based
866 on a time-sharing arrangement. In the absence of a child support
867 plan, whenever a particular parenting plan, a court-ordered
868 time-sharing schedule, or a time-sharing arrangement exercised
869 by agreement of the parties provides that each child spend a
870 substantial amount of time with each parent, the court shall
871 adjust any award of child support, as follows:

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

876 2. Calculate the percentage of overnight stays the child
877 spends with each parent.

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

881 4. The difference between the amounts calculated in

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882 subparagraph 3. shall be the monetary transfer necessary between
883 the parents for the care of the child, subject to an adjustment
884 for day care and health insurance expenses.

885 5. Pursuant to subsections (7) and (8), calculate the net
886 amounts owed by each parent for the expenses incurred for day
887 care and health insurance coverage for the child.

888 6. Adjust the support obligation owed by each parent
889 pursuant to subparagraph 4. by crediting or debiting the amount
890 calculated in subparagraph 5. This amount represents the child
891 support which must be exchanged between the parents.

892 7. The court may deviate from the child support amount
893 calculated pursuant to subparagraph 6. based upon the deviation
894 factors in paragraph (a), as well as the ~~obligee parent's~~ low
895 income of the parent receiving child support payments and
896 ability to maintain the basic necessities of the home for the
897 child, the likelihood that either parent will actually exercise
898 the time-sharing schedule set forth in the parenting plan, a
899 court-ordered time-sharing schedule, or a time-sharing
900 arrangement exercised by agreement of the parties, and whether
901 all of the children are exercising the same time-sharing
902 schedule.

903 8. For purposes of adjusting any award of child support
904 under this paragraph, "substantial amount of time" means that a
905 parent exercises time-sharing at least 20 percent of the
906 overnights of the year.

907
908 Nothing in this paragraph relating to the transfer of funds
909 between parents precludes a court from ordering that the total
910 support obligation of both parents be deposited into a child

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911 support account.

912 (c) A parent's failure to regularly exercise the time-
913 sharing schedule set forth in the parenting plan, a court-
914 ordered time-sharing schedule, or a time-sharing arrangement
915 exercised by agreement of the parties not caused by the other
916 parent which resulted in the adjustment of the amount of child
917 support pursuant to subparagraph (a)10. or paragraph (b) shall
918 be deemed a substantial change of circumstances for purposes of
919 modifying the child support award. A modification pursuant to
920 this paragraph is retroactive to the date the noncustodial
921 parent first failed to regularly exercise the court-ordered or
922 agreed time-sharing schedule.

923 (12) (a) A parent with a support obligation may have other
924 children living with him or her who were born or adopted after
925 the support obligation arose. If such subsequent children exist,
926 the court, when considering an upward modification of an
927 existing award, may disregard the income from secondary
928 employment obtained in addition to the parent's primary
929 employment if the court determines that the employment was
930 obtained primarily to support the subsequent children.

931 (b) Except as provided in paragraph (a), the existence of
932 such subsequent children should not as a general rule be
933 considered by the court as a basis for disregarding the amount
934 provided in the guidelines schedule. The parent with a support
935 obligation for subsequent children may raise the existence of
936 such subsequent children as a justification for deviation from
937 the guidelines schedule. However, if the existence of such
938 subsequent children is raised, the income of the other parent of
939 the subsequent children shall be considered by the court in

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940 determining whether or not there is a basis for deviation from
941 the guideline amount.

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

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

949 (14) Every petition for child support or for modification
950 of child support shall be accompanied by an affidavit which
951 shows the party's income, allowable deductions, and net income
952 computed in accordance with this section. The affidavit shall be
953 served at the same time that the petition is served. The
954 respondent, whether or not a stipulation is entered, shall make
955 an affidavit which shows the party's income, allowable
956 deductions, and net income computed in accordance with this
957 section. The respondent shall include his or her affidavit with
958 the answer to the petition or as soon thereafter as is
959 practicable, but in any case at least 72 hours before ~~prior to~~
960 any hearing on the finances of either party.

961 (15) For purposes of establishing an obligation for support
962 in accordance with this section, if a person who is receiving
963 public assistance is found to be noncooperative as defined in s.
964 409.2572, the department may submit to the court an affidavit or
965 written declaration signed under penalty of perjury as specified
966 in s. 92.525(2) attesting to the income of that parent based
967 upon information available to the department.

968 (16) The Legislature shall review the guidelines schedule

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969 established in this section at least every 4 years beginning in
970 1997.

971 (17) In an initial determination of child support, whether
972 in a paternity action, dissolution of marriage action, or
973 petition for support during the marriage, the court has
974 discretion to award child support retroactive to the date when
975 the parents did not reside together in the same household with
976 the child, not to exceed a period of 24 months preceding the
977 filing of the petition, regardless of whether that date precedes
978 the filing of the petition. In determining the retroactive award
979 in such cases, the court shall consider the following:

980 (a) The court shall apply the guidelines schedule in effect
981 at the time of the hearing subject to a ~~the obligor's~~
982 demonstration of the his or her actual income of the parent
983 ordered to pay child support, as defined by subsection (2),
984 during the retroactive period. Failure of the parent ordered to
985 pay child support ~~obligor~~ to so demonstrate shall result in the
986 court using that parent's ~~the obligor's~~ income at the time of
987 the hearing in computing child support for the retroactive
988 period.

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

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

994 Section 6. This act shall take effect July 1, 2018.