

1 A bill to be entitled
2 An act relating to child support; amending s. 61.13,
3 F.S.; requiring a court to suspend an order requiring
4 a parent to pay child support under certain
5 circumstances; amending s. 61.14, F.S.; requiring a
6 court to suspend an order requiring a parent to pay
7 child support and to deny an order of contempt under
8 certain circumstances; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraph (a) of subsection (1) of section
13 61.13, Florida Statutes, is amended to read:

14 61.13 Support of children; parenting and time-sharing;
15 powers of court.—

16 (1) (a) In a proceeding under this chapter, the court may
17 at any time order either or both parents who owe a duty of
18 support to a child to pay support to the other parent or, in the
19 case of both parents, to a third party who has custody in
20 accordance with the child support guidelines schedule in s.
21 61.30.

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

24 a. For child support to terminate on a child's 18th
25 birthday unless the court finds or previously found that s.

26 | 743.07(2) applies, or is otherwise agreed to by the parties;

27 | b. A schedule, based on the record existing at the time of
28 | the order, stating the amount of the monthly child support
29 | obligation for all the minor children at the time of the order
30 | and the amount of child support that will be owed for any
31 | remaining children after one or more of the children are no
32 | longer entitled to receive child support; and

33 | c. The month, day, and year that the reduction or
34 | termination of child support becomes effective.

35 | 2. The court initially entering an order requiring one or
36 | both parents to make child support payments has continuing
37 | jurisdiction after the entry of the initial order to modify the
38 | amount and terms and conditions of the child support payments if
39 | the modification is found by the court to be in the best
40 | interests of the child; when the child reaches majority; if
41 | there is a substantial change in the circumstances of the
42 | parties; if s. 743.07(2) applies; or when a child is
43 | emancipated, marries, joins the armed services, or dies. The
44 | court initially entering a child support order has continuing
45 | jurisdiction to require the obligee to report to the court on
46 | terms prescribed by the court regarding the disposition of the
47 | child support payments.

48 | 3. The court shall suspend an order requiring a parent to
49 | make child support payments while such parent is involuntarily
50 | unemployed as a result of his or her incarceration lasting

51 longer than 30 days. The suspension must continue for at least
52 30 days after such parent is released from incarceration.

53 Section 2. Paragraph (a) of subsection (1) and paragraph
54 (a) of subsection (5) of section 61.14, Florida Statutes, are
55 amended to read:

56 61.14 Enforcement and modification of support,
57 maintenance, or alimony agreements or orders.—

58 (1) (a) When the parties enter into an agreement for
59 payments for, or instead of, support, maintenance, or alimony,
60 whether in connection with a proceeding for dissolution or
61 separate maintenance or with any voluntary property settlement,
62 or when a party is required by court order to make any payments,
63 and the circumstances or the financial ability of either party
64 changes or the child who is a beneficiary of an agreement or
65 court order as described herein reaches majority after the
66 execution of the agreement or the rendition of the order, either
67 party may apply to the circuit court of the circuit in which the
68 parties, or either of them, resided at the date of the execution
69 of the agreement or reside at the date of the application, or in
70 which the agreement was executed or in which the order was
71 rendered, for an order decreasing or increasing the amount of
72 support, maintenance, or alimony, and the court has jurisdiction
73 to make orders as equity requires, with due regard to the
74 changed circumstances or the financial ability of the parties or
75 the child, decreasing, increasing, or confirming the amount of

76 separate support, maintenance, or alimony provided for in the
77 agreement or order. A finding that medical insurance is
78 reasonably available or the child support guidelines schedule in
79 s. 61.30 may constitute changed circumstances. The court shall
80 suspend an order requiring a parent to make child support
81 payments while such parent is involuntarily unemployed as a
82 result of his or her incarceration lasting longer than 30 days.
83 The suspension must continue for at least 30 days after such
84 parent is released from incarceration. Except as otherwise
85 provided in s. 61.30(11)(c), the court may modify an order of
86 support, maintenance, or alimony by increasing or decreasing the
87 support, maintenance, or alimony retroactively to the date of
88 the filing of the action or supplemental action for modification
89 as equity requires, giving due regard to the changed
90 circumstances or the financial ability of the parties or the
91 child.

92 (5) (a) When a court of competent jurisdiction enters an
93 order for the payment of alimony or child support or both, the
94 court shall make a finding of the obligor's imputed or actual
95 present ability to comply with the order. If the obligor
96 subsequently fails to pay alimony or support and a contempt
97 hearing is held, the original order of the court creates a
98 presumption that the obligor has the present ability to pay the
99 alimony or support and to purge himself or herself from the
100 contempt. At the contempt hearing, the obligor shall have the

101 | burden of proof to show that he or she lacks the ability to
102 | purge himself or herself from the contempt. This presumption is
103 | adopted as a presumption under s. 90.302(2) to implement the
104 | public policy of this state that children shall be maintained
105 | from the resources of their parents and as provided for in s.
106 | 409.2551, and that spouses be maintained as provided for in s.
107 | 61.08. The court shall state in its order the reasons for
108 | granting or denying the contempt. The court shall deny the
109 | contempt if the obligor failed to make child support payments
110 | while he or she was involuntary unemployed as a result of his or
111 | her incarceration lasting longer than 30 days or during the 30
112 | days after the obligor was released from incarceration.

113 | Section 3. This act shall take effect July 1, 2018.