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2 An act relating to child support; amending s.
3 61.30, F.S.; requiring a court under certain
4 circumstances to base a determination of child
5 support amounts under certain shared parental
6 arrangements upon specified criteria; providing
7 an effective date.

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

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11 Section 1. Paragraph (a) of subsection (1) and
12 subsection (11) of section 61.30, Florida Statutes, 1998
13 Supplement, are amended to read:

14 61.30 Child support guidelines; retroactive child
15 support.--

16 (1)(a) The child support guideline amount as
17 determined by this section presumptively establishes the
18 amount the trier of fact shall order as child support in an
19 initial proceeding for such support or in a proceeding for
20 modification of an existing order for such support, whether
21 the proceeding arises under this or another chapter. The
22 trier of fact may order payment of child support which varies,
23 plus or minus 5 percent, from the guideline amount, after
24 considering all relevant factors, including the needs of the
25 child or children, age, station in life, standard of living,
26 and the financial status and ability of each parent. The
27 trier of fact may order payment of child support in an amount
28 which varies more than 5 percent from such guideline amount
29 only upon a written finding explaining why ordering payment of
30 such guideline amount would be unjust or inappropriate.
31 Notwithstanding the variance limitations of this section, the

1 trier of fact shall order payment of child support which
2 varies from the guideline amount as provided in paragraph
3 (11)(b) whenever any of the children are required by court
4 order or mediation agreement to spend a substantial amount of
5 time with the primary and secondary residential parents. This
6 requirement applies to any living arrangement, whether
7 temporary or permanent.

8 (11)(a) The court may adjust the minimum child support
9 award, or either or both parent's share of the minimum child
10 support award, based upon the following considerations:

11 1.(a) Extraordinary medical, psychological,
12 educational, or dental expenses.

13 2.(b) Independent income of the child, not to include
14 moneys received by a child from supplemental security income.

15 3.(c) The payment of support for a parent which
16 regularly has been paid and for which there is a demonstrated
17 need.

18 4.(d) Seasonal variations in one or both parents'
19 incomes or expenses.

20 5.(e) The age of the child, taking into account the
21 greater needs of older children.

22 6.(f) Special needs, such as costs that may be
23 associated with the disability of a child, that have
24 traditionally been met within the family budget even though
25 the fulfilling of those needs will cause the support to exceed
26 the proposed guidelines.

27 ~~(g) The particular shared parental arrangement, such~~
28 ~~as where the children spend a substantial amount of their time~~
29 ~~with the secondary residential parent thereby reducing the~~
30 ~~financial expenditures incurred by the primary residential~~
31 ~~parent, or the refusal of the secondary residential parent to~~

1 ~~become involved in the activities of the child, or giving due~~
2 ~~consideration to the primary residential parent's homemaking~~
3 ~~services. If a child has visitation with a noncustodial~~
4 ~~parent for more than 28 consecutive days the court may reduce~~
5 ~~the amount of support paid to the custodial parent during the~~
6 ~~time of visitation not to exceed 50 percent of the amount~~
7 ~~awarded.~~

8 7.(h) Total available assets of the obligee, obligor,
9 and the child.

10 8.(i) The impact of the Internal Revenue Service
11 dependency exemption and waiver of that exemption. The court
12 may order the primary residential parent to execute a waiver
13 of the Internal Revenue Service dependency exemption if the
14 noncustodial parent is current in support payments.

15 9.(j) When application of the child support guidelines
16 requires a person to pay another person more than 55 percent
17 of his or her gross income for a child support obligation for
18 current support resulting from a single support order.

19 10.(k) Any other adjustment which is needed to achieve
20 an equitable result which may include, but not be limited to,
21 a reasonable and necessary existing expense or debt. Such
22 expense or debt may include, but is not limited to, a
23 reasonable and necessary expense or debt which the parties
24 jointly incurred during the marriage.

25 (b) Whenever a particular shared parental arrangement
26 provides that each child spend a substantial amount of time
27 with each parent, the court shall adjust any award of child
28 support, based upon:

29 1. The amount of time each child will spend with each
30 parent under the shared parental arrangement.

31 2. The needs of each child.

1 3. The direct and indirect financial expenses for each
2 child. For purposes of this subparagraph, "direct financial
3 expenses" means any expenses which are incurred directly on
4 behalf of a child or in which a child directly participates,
5 including, but not limited to, expenses relating to what a
6 child eats or wears or schooling and extracurricular
7 activities, and "indirect financial expenses" means any
8 household expenses from which a child indirectly benefits,
9 including, but not limited to, expenses relating to a
10 mortgage, rent, utilities, automobile, and automobile
11 insurance.

12 4. The comparative income of each parent, considering
13 all relevant factors, as provided in s. 61.30 (2)(a).

14 5. The station in life of each parent and each child.

15 6. The standard of living experienced by the entire
16 family during the marriage.

17 7. The financial status and ability of each parent.

18 Section 2. This act shall take effect October 1, 1999.

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