

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 268

SPONSOR: Committee on Children and Families and Senator Klein

SUBJECT: Child Support

DATE: April 15, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosby	Whiddon	CF	Favorable/CS
2.				
3.				
4.				
5.				

I. Summary:

The Committee Substitute for Senate Bill 268 requires a court to adjust the child support amount and order child support outside the guidelines, articulated at section 61.30, F.S., 1998 Supp., when a child divides his or her time between parents. This requirement applies to any living arrangement, temporary or permanent. The adjustment factors include the amount of time each child will spend with each parent, the needs of the child, financial expenses for each child, the comparative income of each parent, the station of life of each parent and child, the standard of living experienced during the marriage, and the financial status and ability of each parent.

This committee substitute substantially amends section 61.30, Florida Statutes, 1998 Supplement.

II. Present Situation:

Under section 61.30, F.S., 1998 Supp. guidelines are established for monthly child support payments. The trier of fact may order a payment of child support which varies (plus or minus 5 percent from the guideline amount) upon consideration of all relevant factors.

See s. 61.30(1)(a), F.S., 1998 Supp. If the trier of fact orders a payment amount which varies more than 5 percent, a written finding must accompany the order. *Id.* In addition, the court may adjust the minimum child support award, or either or both parents' share of the award, based upon numerous considerations including the particular shared parental arrangement (such as when the child spends a substantial amount of time with the other parent). *See* s. 61.30(11)(g), F.S., 1998 Supp.

III. Effect of Proposed Changes:

Section 1 amends paragraph (a) of s. 61.30(1), F.S., 1998 Supp., child support guidelines, to mandate that the trier of fact order a child support payment, which varies from the guideline amount, in cases where the child is required to divide his or her time between the primary and

secondary residential parent. This requirement would apply to any arrangement, whether temporary or permanent.

Subsection (11) of s. 61.30, F.S., 1998 Supp., is also amended to delete the discretion of the court to adjust the minimum child support award, or either or both parents' share of the award, based upon numerous considerations including the particular shared parental arrangement (such as when the child spends a substantial amount of time with the other parent). New language is added to delineate factors which the court should consider when there is a shared parental arrangement. The adjustment factors include the amount of time each child will spend with each parent, the needs of the child, financial expenses for each child, the comparative income of each parent, the station of life of each parent and child, the standard of living experienced during the marriage, and the financial status and ability of each parent.

Section 2 provides that this act shall take effect October 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminable but probably minimal.

C. Government Sector Impact:

The Office of State Courts Administrator deems costs associated with this bill, as filed, as "significant, but indeterminable. . ." The increased costs are anticipated to result from the swell in judicial workload associated with more frequent adjustments in child support payments, which may occur when the child's living situation changes, even temporarily. The impact is expected to be greatest the first year, when an increased number of petitions for

modification are most likely to be filed (in order to conform child support awards to this new standard).

Furthermore, the increased workload for the judicial system is also expected to impact the Department of Revenue. Because the child support payment may be necessarily modified each and every time a child's divided time between parents changes in any way, whether temporarily or permanently, litigation of the parties (which may include the Department of Revenue) will increase.

Regarding the bill, as filed, the Department of Revenue estimates a fiscal note of nearly \$223,000 in nonrecurring expenses next year. The bulk of this cost is expected to occur in the area of data processing. Regarding the committee substitute, the Department of Revenue reports that the fiscal impact is indeterminate; any increase in data processing cost for the Department of Revenue will be directly dependent upon how often an order is modified.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
