

By Senator Klein

28-472-99

See HB

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A bill to be entitled
An act relating to child support; amending s.
61.30, F.S.; requiring a court under certain
circumstances to base a determination of child
support amounts on the proportionate amount of
time the children are required to spend with
each parent each year; providing an effective
date.

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

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

61.30 Child support guidelines; retroactive child
support.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (b) If the children are required by court order or
27 mediation agreement to divide their time each year between
28 each parent, the court shall adjust the child support award,
29 or either or both parent's share of the child support award,
30 based upon the proportionate amount of time, in days, each
31 child is required to live with each parent during the year.

1 This requirement applies to any living arrangement, whether
2 temporary or permanent.

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

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LEGISLATIVE SUMMARY

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Requires a court to adjust the child support amount and
order child support that varies from the guideline amount
to reflect the proportionate amount of time each child is
required to spend with each parent during the year,
applicable to temporary or permanent living arrangements.

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