

By the Committee on Children and Families; and Senator Klein

300-2043-99

1                           A bill to be entitled  
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 divide their time between the  
5 primary and secondary residential parents. This requirement  
6 applies to any living arrangement, whether temporary or  
7 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 shared parental arrangement provides  
26 that each child spend a substantial amount of time with each  
27 parent, the court shall adjust any award of child support  
28 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, the term "direct  
3 financial expenses" means any expenses that are incurred  
4 directly on behalf of a child or in which a child directly  
5 participates, including, but not limited to, expenses relating  
6 to the child's food, clothing, schooling, and extracurricular  
7 activities, and the term "indirect financial expenses" means  
8 any household expenses from which a child indirectly benefits,  
9 including, but not limited to, expenses relating to a  
10 mortgage, rent, utilities, motor vehicle, and motor vehicle  
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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20           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
21           COMMITTEE SUBSTITUTE FOR  
22           Senate Bill 268

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24           The adjustment in child support award language, based upon the  
25           proportionate time in days that each child spends with each  
26           parent each year, is deleted. Criteria upon which the court  
27           shall base an adjustment of a child support award is more  
28           clearly delineated in the proposed committee substitute to  
29           include not only the amount of time each child will spend with  
30           each parent but also the needs of the child, financial  
31           expenses for each child, the comparative income of each  
32           parent, the station of life of each parent and child, the  
33           standard of living experienced during the marriage, and the  
34           financial status and ability of each parent.

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