

By Senator Campbell

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A bill to be entitled
An act relating to child support guidelines;
amending s. 61.30, F.S.; revising certain child
care cost guidelines; deleting a requirement
that in calculating support obligations,
certain child care costs must be reduced;
requiring that the impact of any Federal Child
Care Tax Credit be considered in such
calculations; providing an effective date.

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

Section 1. Subsections (7) and (11) of section 61.30,
Florida Statutes, are amended to read:

61.30 Child support guidelines; retroactive child
support.--

(7) Child care costs incurred on behalf of the
children due to employment, job search, or education
calculated to result in employment or to enhance income of
current employment of either parent shall ~~be reduced by 25~~
~~percent and then shall~~ be added to the basic obligation. After
the ~~adjusted~~ child care costs are added to the basic
obligation, any moneys prepaid by the noncustodial parent for
child care costs for the child or children of this action
shall be deducted from that noncustodial parent's child
support obligation for that child or those children. Child
care costs shall not exceed the level required to provide
quality care from a licensed source for the children.

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

- 1 1. Extraordinary medical, psychological, educational,
2 or dental expenses.
- 3 2. Independent income of the child, not to include
4 moneys received by a child from supplemental security income.
- 5 3. The payment of support for a parent which regularly
6 has been paid and for which there is a demonstrated need.
- 7 4. Seasonal variations in one or both parents' incomes
8 or expenses.
- 9 5. The age of the child, taking into account the
10 greater needs of older children.
- 11 6. Special needs, such as costs that may be associated
12 with the disability of a child, that have traditionally been
13 met within the family budget even though the fulfilling of
14 those needs will cause the support to exceed the proposed
15 guidelines.
- 16 7. Total available assets of the obligee, obligor, and
17 the child.
- 18 8. The impact of the Internal Revenue Service
19 dependency exemption and waiver of that exemption. The court
20 may order the primary residential parent to execute a waiver
21 of the Internal Revenue Service dependency exemption if the
22 noncustodial parent is current in support payments.
- 23 9. The impact of any Federal Child Care Tax Credit.
- 24 ~~10.9-~~ When application of the child support
25 guidelines requires a person to pay another person more than
26 55 percent of his or her gross income for a child support
27 obligation for current support resulting from a single support
28 order.
- 29 ~~11.10-~~ The particular shared parental arrangement,
30 such as where the child spends a significant amount of time,
31 but less than 40 percent of the overnights, with the

1 noncustodial parent, thereby reducing the financial
2 expenditures incurred by the primary residential parent; or
3 the refusal of the noncustodial parent to become involved in
4 the activities of the child.

5 ~~12.11.~~ Any other adjustment which is needed to
6 achieve an equitable result which may include, but not be
7 limited to, a reasonable and necessary existing expense or
8 debt. Such expense or debt may include, but is not limited
9 to, a reasonable and necessary expense or debt which the
10 parties jointly incurred during the marriage.

11 (b) Whenever a particular shared parental arrangement
12 provides that each child spend a substantial amount of time
13 with each parent, the court shall adjust any award of child
14 support, as follows:

15 1. In accordance with subsections (9) and (10),
16 calculate the amount of support obligation apportioned to the
17 noncustodial parent without including day care and health
18 insurance costs in the calculation and multiply the amount by
19 1.5.

20 2. In accordance with subsections (9) and (10),
21 calculate the amount of support obligation apportioned to the
22 custodial parent without including day care and health
23 insurance costs in the calculation and multiply the amount by
24 1.5.

25 3. Calculate the percentage of overnight stays the
26 child spends with each parent.

27 4. Multiply the noncustodial parent's support
28 obligation as calculated in subparagraph 1. by the percentage
29 of the custodial parent's overnight stays with the child as
30 calculated in subparagraph 3.

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1 5. Multiply the custodial parent's support obligation
2 as calculated in subparagraph 2. by the percentage of the
3 noncustodial parent's overnight stays with the child as
4 calculated in subparagraph 3.

5 6. The difference between the amounts calculated in
6 subparagraphs 4. and 5. shall be the monetary transfer
7 necessary between the custodial and noncustodial parents for
8 the care of the child, subject to an adjustment for day care
9 and health insurance expenses.

10 7. Pursuant to subsections (7) and (8), calculate the
11 net amounts owed by the custodial and noncustodial parents for
12 the expenses incurred for day care and health insurance
13 coverage for the child. ~~Day care shall be calculated without~~
14 ~~regard to the 25-percent reduction applied by subsection (7).~~

15 8. Adjust the support obligation owed by the custodial
16 or noncustodial parent pursuant to subparagraph 6. by
17 crediting or debiting the amount calculated in subparagraph 7.
18 This amount represents the child support which must be
19 exchanged between the custodial and noncustodial parents.

20 9. The court may deviate from the child support amount
21 calculated pursuant to subparagraph 8. based upon the
22 considerations set forth in paragraph (a), as well as the
23 custodial parent's low income and ability to maintain the
24 basic necessities of the home for the child, the likelihood
25 that the noncustodial parent will actually exercise the
26 visitation granted by the court, and whether all of the
27 children are exercising the same shared parental arrangement.

28 10. For purposes of adjusting any award of child
29 support under this paragraph, "substantial amount of time"
30 means that the noncustodial parent exercises visitation at
31 least 40 percent of the overnights of the year.

1 (c) A noncustodial parent's failure to regularly
2 exercise court-ordered or agreed visitation not caused by the
3 custodial parent which resulted in the adjustment of the
4 amount of child support pursuant to subparagraph (a)10. or
5 paragraph (b) shall be deemed a substantial change of
6 circumstances for purposes of modifying the child support
7 award. A modification pursuant to this paragraph shall be
8 retroactive to the date the noncustodial parent first failed
9 to regularly exercise court-ordered or agreed visitation.

10 Section 2. This act shall take effect July 1, 2004.

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12 SENATE SUMMARY

13
14 Revises guidelines for calculating the child support
15 obligation. Deletes a requirement that certain child care
16 costs be reduced by 25 percent in calculating such
17 obligations. Requires that the impact of any Federal
18 Child Care Tax Credit be considered. (See bill for
19 details.)
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