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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2013	.	
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The Committee on Children, Families, and Elder Affairs (Clemens) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 35 - 119  
and insert:

Section 1. Subsection (11) of section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines; retroactive child support.—

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

1. Extraordinary medical, psychological, educational, or



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- 13 dental expenses.
- 14 2. Independent income of the child, not to include moneys  
15 received by a child from supplemental security income.
- 16 3. The payment of support for a parent which has been  
17 regularly paid and for which there is a demonstrated need.
- 18 4. Seasonal variations in one or both parents' incomes or  
19 expenses.
- 20 5. The age of the child, taking into account the greater  
21 needs of older children.
- 22 6. Special needs, such as costs that may be associated with  
23 the disability of a child, that have traditionally been met  
24 within the family budget even though fulfilling those needs will  
25 cause the support to exceed the presumptive amount established  
26 by the guidelines.
- 27 7. Total available assets of the obligee, obligor, and the  
28 child.
- 29 8. The impact of the Internal Revenue Service Child &  
30 Dependent Care Tax Credit, Earned Income Tax Credit, and  
31 dependency exemption and waiver of that exemption. The court may  
32 order a parent to execute a waiver of the Internal Revenue  
33 Service dependency exemption if the paying parent is current in  
34 support payments.
- 35 9. An application of the child support guidelines schedule  
36 that requires a person to pay another person more than 55  
37 percent of his or her gross income for a child support  
38 obligation for current support resulting from a single support  
39 order.
- 40 10. The particular parenting plan, a court-ordered time-  
41 sharing schedule, or a time-sharing arrangement exercised by



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42 agreement of the parties, such as where the child spends a  
43 significant amount of time, but less than 20 percent of the  
44 overnights, with one parent, thereby reducing the financial  
45 expenditures incurred by the other parent; or the refusal of a  
46 parent to become involved in the activities of the child.

47 11. Any other adjustment that is needed to achieve an  
48 equitable result which may include, but not be limited to, a  
49 reasonable and necessary existing expense or debt. Such expense  
50 or debt may include, but is not limited to, a reasonable and  
51 necessary expense or debt that the parties jointly incurred  
52 during the marriage.

53 (b) Whenever a particular parenting plan, a court-ordered  
54 time-sharing schedule, or a time-sharing arrangement exercised  
55 by agreement of the parties provides that each child spend a  
56 substantial amount of time with each parent, the court shall  
57 adjust any award of child support, as follows:

58 1. In accordance with subsections (9) and (10), calculate  
59 the amount of support obligation apportioned to each parent  
60 without including day care and health insurance costs in the  
61 calculation and multiply the amount by 1.5.

62 2. Calculate the percentage of overnight stays the child  
63 spends with each parent.

64 3. Multiply each parent's support obligation as calculated  
65 in subparagraph 1. by the percentage of the other parent's  
66 overnight stays with the child as calculated in subparagraph 2.

67 4. The difference between the amounts calculated in  
68 subparagraph 3. shall be the monetary transfer necessary between  
69 the parents for the care of the child, subject to an adjustment  
70 for day care and health insurance expenses.



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71           5. Pursuant to subsections (7) and (8), calculate the net  
72 amounts owed by each parent for the expenses incurred for day  
73 care and health insurance coverage for the child.

74           6. Adjust the support obligation owed by each parent  
75 pursuant to subparagraph 4. by crediting or debiting the amount  
76 calculated in subparagraph 5. This amount represents the child  
77 support which must be exchanged between the parents.

78           7. The court may deviate from the child support amount  
79 calculated pursuant to subparagraph 6. based upon the deviation  
80 factors in paragraph (a), as well as the obligee parent's low  
81 income and ability to maintain the basic necessities of the home  
82 for the child, the likelihood that either parent will actually  
83 exercise the time-sharing schedule set forth in the parenting  
84 plan, a court-ordered time-sharing schedule, or a particular  
85 time-sharing arrangement exercised by agreement of the parties  
86 ~~granted by the court~~, and whether all of the children are  
87 exercising the same time-sharing schedule.

88           8. For purposes of adjusting any award of child support  
89 under this paragraph, "substantial amount of time" means that a  
90 parent exercises time-sharing at least 20 percent of the  
91 overnights of the year.

92           (c) A parent's failure to regularly exercise the time-  
93 sharing schedule set forth in the parenting plan, a court-  
94 ordered ~~or agreed~~ time-sharing schedule, or a particular time-  
95 sharing arrangement exercised by agreement of the parties not  
96 caused by the other parent which resulted in the adjustment of  
97 the amount of child support pursuant to subparagraph (a)10. or  
98 paragraph (b) shall be deemed a substantial change of  
99 circumstances for purposes of modifying the child support award.



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100 A modification pursuant to this paragraph is retroactive to the  
101 date the noncustodial parent first failed to regularly exercise  
102 the court-ordered or agreed time-sharing schedule.

103  
104 ===== T I T L E A M E N D M E N T =====

105 And the title is amended as follows:

106 Delete line 4

107 and insert:

108 schedules or time-sharing arrangements as a factor in  
109 the adjustment of awards of