

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Steube offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 61.30 Child support guidelines; retroactive child  
 9 support.—

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

14 1. Extraordinary medical, psychological, educational, or  
 15 dental expenses.

16 2. Independent income of the child, not to include moneys  
 17 received by a child from supplemental security income.

18 3. The payment of support for a parent which has been  
 19 regularly paid and for which there is a demonstrated need.

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20 4. Seasonal variations in one or both parents' incomes or  
21 expenses.

22 5. The age of the child, taking into account the greater  
23 needs of older children.

24 6. Special needs, such as costs that may be associated  
25 with the disability of a child, that have traditionally been met  
26 within the family budget even though fulfilling those needs will  
27 cause the support to exceed the presumptive amount established  
28 by the guidelines.

29 7. Total available assets of the obligee, obligor, and the  
30 child.

31 8. The impact of the Internal Revenue Service Child &  
32 Dependent Care Tax Credit, Earned Income Tax Credit, and  
33 dependency exemption and waiver of that exemption. The court may  
34 order a parent to execute a waiver of the Internal Revenue  
35 Service dependency exemption if the paying parent is current in  
36 support payments.

37 9. An application of the child support guidelines schedule  
38 that requires a person to pay another person more than 55  
39 percent of his or her gross income for a child support  
40 obligation for current support resulting from a single support  
41 order.

42 10. The particular parenting plan, a court-ordered time-  
43 sharing schedule, or a time-sharing arrangement exercised by  
44 agreement of the parties, such as where the child spends a  
45 significant amount of time, but less than 20 percent of the  
46 overnights, with one parent, thereby reducing the financial

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47 expenditures incurred by the other parent; or the refusal of a  
48 parent to become involved in the activities of the child.

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

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

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

64 2. Calculate the percentage of overnight stays the child  
65 spends with each parent.

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

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

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

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

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

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

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

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101 circumstances for purposes of modifying the child support award.  
102 A modification pursuant to this paragraph is retroactive to the  
103 date the noncustodial parent first failed to regularly exercise  
104 the court-ordered or agreed time-sharing schedule.

105 Section 2. Subsection (4) is added to section 90.204,  
106 Florida Statutes, to read:

107 90.204 Determination of propriety of judicial notice and  
108 nature of matter noticed.-

109 (4) In family cases, the court may take judicial notice of  
110 any matter described in s. 90.202(6) when imminent danger to  
111 persons or property has been alleged and it is impractical to  
112 give prior notice to the parties of the intent to take judicial  
113 notice. Opportunity to present evidence relevant to the  
114 propriety of taking judicial notice under subsection (1) may be  
115 deferred until after judicial action has been taken. If judicial  
116 notice is taken under this subsection, the court shall, within 2  
117 business days, file a notice in the pending case of the matters  
118 judicially noticed. For purposes of this subsection, the term  
119 "family cases" has the same meaning as provided in the Rules of  
120 Judicial Administration.

121 Section 3. Paragraph (b) of subsection (5) of section  
122 741.30, Florida Statutes, is amended to read:

123 741.30 Domestic violence; injunction; powers and duties of  
124 court and clerk; petition; notice and hearing; temporary  
125 injunction; issuance of injunction; statewide verification  
126 system; enforcement; public records exemption.-

127 (5)

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128 (b) Except as provided in s. 90.204, in a hearing ex parte  
129 for the purpose of obtaining such ex parte temporary injunction,  
130 no evidence other than verified pleadings or affidavits shall be  
131 used as evidence, unless the respondent appears at the hearing  
132 or has received reasonable notice of the hearing. A denial of a  
133 petition for an ex parte injunction shall be by written order  
134 noting the legal grounds for denial. When the only ground for  
135 denial is no appearance of an immediate and present danger of  
136 domestic violence, the court shall set a full hearing on the  
137 petition for injunction with notice at the earliest possible  
138 time. Nothing herein affects a petitioner's right to promptly  
139 amend any petition, or otherwise be heard in person on any  
140 petition consistent with the Florida Rules of Civil Procedure.

141 Section 4. Paragraph (b) of subsection (6) of section  
142 784.046, Florida Statutes, is amended to read:

143 784.046 Action by victim of repeat violence, sexual  
144 violence, or dating violence for protective injunction; dating  
145 violence investigations, notice to victims, and reporting;  
146 pretrial release violations; public records exemption.—

147 (6)

148 (b) Except as provided in s. 90.204, in a hearing ex parte  
149 for the purpose of obtaining such temporary injunction, no  
150 evidence other than the verified pleading or affidavit shall be  
151 used as evidence, unless the respondent appears at the hearing  
152 or has received reasonable notice of the hearing.

153 Section 5. Paragraph (b) of subsection (5) of section  
154 784.0485, Florida Statutes, is amended to read:

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155 784.0485 Stalking; injunction; powers and duties of court  
156 and clerk; petition; notice and hearing; temporary injunction;  
157 issuance of injunction; statewide verification system;  
158 enforcement.—

159 (5)

160 (b) Except as provided in s. 90.204, in a hearing ex parte  
161 for the purpose of obtaining such ex parte temporary injunction,  
162 evidence other than verified pleadings or affidavits may not be  
163 used as evidence, unless the respondent appears at the hearing  
164 or has received reasonable notice of the hearing. A denial of a  
165 petition for an ex parte injunction shall be by written order  
166 noting the legal grounds for denial. If the only ground for  
167 denial is no appearance of an immediate and present danger of  
168 stalking, the court shall set a full hearing on the petition for  
169 injunction with notice at the earliest possible time. This  
170 paragraph does not affect a petitioner's right to promptly amend  
171 any petition, or otherwise be heard in person on any petition  
172 consistent with the Florida Rules of Civil Procedure.

173 Section 6. This act shall take effect July 1, 2013.

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**T I T L E A M E N D M E N T**

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Remove everything before the enacting clause and insert:

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A bill to be entitled

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An act relating to family law; amending s. 61.30,

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F.S.; providing for consideration of time-sharing

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schedules or time-sharing arrangements as a factor in

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 905 (2013)

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183 the adjustment of awards of child support; amending s.  
184 90.204, F.S.; authorizing judges in family cases to  
185 take judicial notice of certain court records without  
186 prior notice to the parties when imminent danger to  
187 persons or property has been alleged and it is  
188 impractical to give prior notice; providing for a  
189 deferred opportunity to present evidence; requiring a  
190 notice of such judicial notice having been taken to be  
191 filed within a specified period; providing that the  
192 term "family cases" has the same meaning as provided  
193 in the Rules of Judicial Administration; amending ss.  
194 741.30, 784.046, and 784.0485, F.S.; creating an  
195 exception to a prohibition against using evidence  
196 other than the verified pleading or affidavit in an ex  
197 parte hearing for a temporary injunction for  
198 protection against domestic violence, repeat violence,  
199 sexual violence, dating violence, or stalking;  
200 providing an effective date.