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1 A bill to be entitled  
2 An act relating to family law; amending s. 61.30,  
3 F.S.; providing for consideration of time-sharing  
4 schedules as a factor in the adjustment of awards of  
5 child support; amending s. 90.204, F.S.; authorizing  
6 judges in family law cases to take judicial notice of  
7 certain court records without prior notice to the  
8 parties when imminent danger to persons or property  
9 has been alleged and it is impractical to give prior  
10 notice; providing for a deferred opportunity to  
11 present evidence; requiring a notice of such judicial  
12 notice having been taken to be filed within a  
13 specified period; providing that court rules define  
14 the term "family law cases"; providing an effective  
15 date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Paragraphs (a) and (b) of subsection (11) of  
20 section 61.30, Florida Statutes, are amended to read:

21 61.30 Child support guidelines; retroactive child  
22 support.—

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

27 1. Extraordinary medical, psychological, educational, or  
28 dental expenses.

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29 | 2. Independent income of the child, not to include moneys  
30 | received by a child from supplemental security income.

31 | 3. The payment of support for a parent which has been  
32 | regularly paid and for which there is a demonstrated need.

33 | 4. Seasonal variations in one or both parents' incomes or  
34 | expenses.

35 | 5. The age of the child, taking into account the greater  
36 | needs of older children.

37 | 6. Special needs, such as costs that may be associated  
38 | with the disability of a child, that have traditionally been met  
39 | within the family budget even though fulfilling those needs will  
40 | cause the support to exceed the presumptive amount established  
41 | by the guidelines.

42 | 7. Total available assets of the obligee, obligor, and the  
43 | child.

44 | 8. The impact of the Internal Revenue Service Child &  
45 | Dependent Care Tax Credit, Earned Income Tax Credit, and  
46 | dependency exemption and waiver of that exemption. The court may  
47 | order a parent to execute a waiver of the Internal Revenue  
48 | Service dependency exemption if the paying parent is current in  
49 | support payments.

50 | 9. An application of the child support guidelines schedule  
51 | that requires a person to pay another person more than 55  
52 | percent of his or her gross income for a child support  
53 | obligation for current support resulting from a single support  
54 | order.

55 | 10. The particular parenting plan, court-ordered  
56 | timesharing schedule, or particular time-sharing schedule

57 | exercised by agreement of the parties, such as where the child  
 58 | spends a significant amount of time, but less than 20 percent of  
 59 | the overnights, with one parent, thereby reducing the financial  
 60 | expenditures incurred by the other parent; or the refusal of a  
 61 | parent to become involved in the activities of the child.

62 | 11. Any other adjustment that is needed to achieve an  
 63 | equitable result which may include, but not be limited to, a  
 64 | reasonable and necessary existing expense or debt. Such expense  
 65 | or debt may include, but is not limited to, a reasonable and  
 66 | necessary expense or debt that the parties jointly incurred  
 67 | during the marriage.

68 | (b) Whenever a particular parenting plan, court-ordered  
 69 | timesharing schedule, or particular time-sharing schedule  
 70 | exercised by agreement of the parties provides that each child  
 71 | spend a substantial amount of time with each parent, the court  
 72 | shall adjust any award of child support, as follows:

73 | 1. In accordance with subsections (9) and (10), calculate  
 74 | the amount of support obligation apportioned to each parent  
 75 | without including day care and health insurance costs in the  
 76 | calculation and multiply the amount by 1.5.

77 | 2. Calculate the percentage of overnight stays the child  
 78 | spends with each parent.

79 | 3. Multiply each parent's support obligation as calculated  
 80 | in subparagraph 1. by the percentage of the other parent's  
 81 | overnight stays with the child as calculated in subparagraph 2.

82 | 4. The difference between the amounts calculated in  
 83 | subparagraph 3. shall be the monetary transfer necessary between  
 84 | the parents for the care of the child, subject to an adjustment

85 | for day care and health insurance expenses.

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

89 |         6. Adjust the support obligation owed by each parent  
90 | pursuant to subparagraph 4. by crediting or debiting the amount  
91 | calculated in subparagraph 5. This amount represents the child  
92 | support which must be exchanged between the parents.

93 |         7. The court may deviate from the child support amount  
94 | calculated pursuant to subparagraph 6. based upon the deviation  
95 | factors in paragraph (a), as well as the obligee parent's low  
96 | income and ability to maintain the basic necessities of the home  
97 | for the child, the likelihood that either parent will actually  
98 | exercise the time-sharing schedule set forth in the parenting  
99 | plan granted by the court, and whether all of the children are  
100 | exercising the same time-sharing schedule.

101 |         8. For purposes of adjusting any award of child support  
102 | under this paragraph, "substantial amount of time" means that a  
103 | parent exercises time-sharing at least 20 percent of the  
104 | overnights of the year.

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 law cases, the court may take judicial  
110 | notice of any matter described in s. 90.202(6) when imminent  
111 | danger to persons or property has been alleged and it is  
112 | impractical to give prior notice to the parties of the intent to

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113 | take judicial notice. Opportunity to present evidence relevant  
114 | to the propriety of taking judicial notice under subsection (1)  
115 | may be deferred until after judicial action has been taken. If  
116 | judicial notice is taken under this subsection, the judge shall,  
117 | within 2 business days, file a notice in the pending case of the  
118 | matters judicially noticed. For purposes of this subsection, the  
119 | term "family law cases" has the same meaning as provided in  
120 | court rules.

121 |       Section 3. This act shall take effect July 1, 2013.

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