

House Bill No. 145

An act relating to child support; amending s. 61.30, F.S.; requiring a court under certain circumstances to base a determination of child support amounts under certain shared parental arrangements upon specified criteria; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) and subsection (11) of section 61.30, Florida Statutes, 1998 Supplement, are amended to read:

61.30 Child support guidelines; retroactive child support.—

(1)(a) The child support guideline amount as determined by this section presumptively establishes the amount the trier of fact shall order as child support in an initial proceeding for such support or in a proceeding for modification of an existing order for such support, whether the proceeding arises under this or another chapter. The trier of fact may order payment of child support which varies, plus or minus 5 percent, from the guideline amount, after considering all relevant factors, including the needs of the child or children, age, station in life, standard of living, and the financial status and ability of each parent. The trier of fact may order payment of child support in an amount which varies more than 5 percent from such guideline amount only upon a written finding explaining why ordering payment of such guideline amount would be unjust or inappropriate. Notwithstanding the variance limitations of this section, the trier of fact shall order payment of child support which varies from the guideline amount as provided in paragraph (11)(b) whenever any of the children are required by court order or mediation agreement to spend a substantial amount of time with the primary and secondary residential parents. This requirement applies to any living arrangement, whether temporary or permanent.

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

1.(a) Extraordinary medical, psychological, educational, or dental expenses.

2.(b) Independent income of the child, not to include moneys received by a child from supplemental security income.

3.(c) The payment of support for a parent which regularly has been paid and for which there is a demonstrated need.

4.(d) Seasonal variations in one or both parents' incomes or expenses.

5.(e) The age of the child, taking into account the greater needs of older children.

6.(f) Special needs, such as costs that may be associated with the disability of a child, that have traditionally been met within the family budget even though the fulfilling of those needs will cause the support to exceed the proposed guidelines.

~~(g) The particular shared parental arrangement, such as where the children spend a substantial amount of their time with the secondary residential parent thereby reducing the financial expenditures incurred by the primary residential parent, or the refusal of the secondary residential parent to become involved in the activities of the child, or giving due consideration to the primary residential parent's homemaking services. If a child has visitation with a noncustodial parent for more than 28 consecutive days the court may reduce the amount of support paid to the custodial parent during the time of visitation not to exceed 50 percent of the amount awarded.~~

7.(h) Total available assets of the obligee, obligor, and the child.

8.(i) The impact of the Internal Revenue Service dependency exemption and waiver of that exemption. The court may order the primary residential parent to execute a waiver of the Internal Revenue Service dependency exemption if the noncustodial parent is current in support payments.

9.(j) When application of the child support guidelines requires a person to pay another person more than 55 percent of his or her gross income for a child support obligation for current support resulting from a single support order.

10.(k) Any other adjustment which is needed to achieve an equitable result which may include, but not be limited to, a reasonable and necessary existing expense or debt. Such expense or debt may include, but is not limited to, a reasonable and necessary expense or debt which the parties jointly incurred during the marriage.

(b) Whenever a particular shared parental arrangement provides that each child spend a substantial amount of time with each parent, the court shall adjust any award of child support, based upon:

1. The amount of time each child will spend with each parent under the shared parental arrangement.

2. The needs of each child.

3. The direct and indirect financial expenses for each child. For purposes of this subparagraph, "direct financial expenses" means any expenses which are incurred directly on behalf of a child or in which a child directly participates, including, but not limited to, expenses relating to what a child eats or wears or schooling and extracurricular activities, and "indirect financial expenses" means any household expenses from which a child indirectly benefits, including, but not limited to, expenses relating to a mortgage, rent, utilities, automobile, and automobile insurance.

4. The comparative income of each parent, considering all relevant factors, as provided in s. 61.30 (2)(a).

5. The station in life of each parent and each child.

6. The standard of living experienced by the entire family during the marriage.

7. The financial status and ability of each parent.

Section 2. This act shall take effect October 1, 1999.

Approved by the Governor June 17, 1999.

Filed in Office Secretary of State June 17, 1999.