

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Steube offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 775 and 776, insert:

5 Section 9. Subsection (11) of section 61.30, Florida
6 Statutes, is amended to read:

7 61.30 Child support guidelines; retroactive child
8 support.-

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

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

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

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

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

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

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

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

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

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

41 10. The particular parenting plan, a court-ordered time-
42 sharing schedule, or a time-sharing arrangement exercised by
43 agreement of the parties, such as where the child spends a
44 significant amount of time, but less than 20 percent of the

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45 overnights, with one parent, thereby reducing the financial
46 expenditures incurred by the other parent; or the refusal of a
47 parent to become involved in the activities of the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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Remove line 76 and insert:

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awards; amending s. 61.30, F.S.; providing for

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consideration of time-sharing arrangements and schedules as

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factors in the adjustment of awards of child support;

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providing an effective date.