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LEGISLATIVE ACTION

Senate

House

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Floor: 5/AD/2R

03/27/2013 05:33 PM

Senator Soto moved the following:

Senate Amendment (with title amendment)

Between lines 755 and 756

insert:

Section 8. Paragraphs (a) and (b) of subsection (11) of section 61.30, Florida Statutes, are 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 dental expenses.



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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, court-ordered time-
41 sharing schedule, or particular time-sharing schedule exercised
42 by agreement of the parties, such as where the child spends a



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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, court-ordered
54 time-sharing schedule, or particular time-sharing schedule
55 exercised by agreement of the parties provides that each child
56 spend a substantial amount of time with each parent, the court
57 shall 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.

71 5. Pursuant to subsections (7) and (8), calculate the net



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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 granted by the court, and whether all of the children are
85 exercising the same time-sharing schedule.

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

90
91 ===== T I T L E A M E N D M E N T =====

92 And the title is amended as follows:

93 Delete line 80

94 and insert:

95 children; amending s. 61.30, F.S.; providing for
96 consideration of time-sharing schedules as a factor in
97 the adjustment of awards of child support; providing
98 for retroactive application of the